

File Microcopies of Records in the National Archives: No. 133

Roll 80

DESPATCHES FROM UNITED STATES MINISTERS TO JAPAN

Volume 80

March 4, 1905 - August 31, 1905



THE NATIONAL ARCHIVES

Washington: 1949

## INTRODUCTION

The 83 volumes reproduced in this microcopy contain communications, with related enclosures, that were received by the Secretary of State from diplomatic representatives of the United States accredited to Japan in the period 1855-1906. The series, which may be referred to as "Diplomatic Despatches, Japan," is part of a larger body of records in the National Archives designated as Record Group 59, General Records of the Department of State. The documents have been reproduced in the order, for the most part chronological, in which they appear in the volumes. Their contents are registered on Roll 1.

The volumes, each of which has been microcopied on a separate roll (except volumes 81 and 81 Annex which have been placed on one roll), are distributed as follows:

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1	1	March 17, 1855 - June 29, 1858
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<u>Roll</u>	<u>Volume</u>	<u>Inclusive Dates</u>
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29	29	October 9, 1874 - March 20, 1875
30	30	March 23, 1875 - October 5, 1875
31	31	October 6, 1875 - February 5, 1876
32	32	February 8, 1876 - August 22, 1876
33	33	September 4, 1876 - March 6, 1877
34	34	March 7, 1877 - September 19, 1877
35	35	September 24, 1877 - December 31, 1877
36	36	January 4, 1878 - April 17, 1878
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47	47	May 30, 1882 - November 30, 1882
48	48	December 4, 1882 - July 31, 1883
49	49	August 3, 1883 - December 31, 1883
50	50	January 7, 1884 - June 30, 1884
51	51	July 1, 1884 - December 29, 1884
52	52	January 2, 1885 - July 30, 1885
53	53	August 1, 1885 - December 31, 1885
54	54	January 6, 1886 - July 9, 1886
55	55	July 10, 1886 - December 29, 1886
56	56	January 1, 1887 - May 23, 1887
57	57	June 1, 1887 - December 31, 1887
58	58	January 6, 1888 - October 26, 1888
59	59	November 5, 1888 - July 31, 1889
60	60	August 1, 1889 - January 31, 1890
61	61	February 5, 1890 - June 23, 1890
62	62	July 7, 1890 - December 24, 1890
63	63	January 8, 1891 - December 28, 1891
64	64	January 5, 1892 - December 28, 1892
65	65	January 4, 1893 - August 28, 1893
66	66	September 2, 1893 - June 30, 1894
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<u>Roll</u>	<u>Volume</u>	<u>Inclusive Dates</u>
76	76	January 3, 1902 - August 30, 1902
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81	81	September 5, 1905 - February 28, 1906
	81 Annex	November 24, 1905
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Most of the communications are original despatches, usually accompanied by enclosures. Some of the enclosures are original notes to the American representatives from officials of the Japanese foreign ministry. Other enclosures were written by American consuls in Japan and, occasionally, by private citizens of the United States. A considerable number of enclosures are copies of communications sent by American representatives to Japanese officials. Pamphlets, newspaper clippings, and other printed matter are sometimes enclosed.

Apart from numbered despatches and enclosures, these volumes contain many unnumbered letters, some of which are marked "Private" or "Confidential." Unnumbered or private letters, more informal than despatches, may report official matters requiring secrecy or not fully covered in the despatches, or may convey personal news, acknowledgments of appointment or recall, announcements of arrival or departure, and statements of official expenses. The volumes also contain telegrams and cables, which were not numbered.

The register to these despatches reproduced on Roll 1 of this microcopy consists of selected pages from a number of State Department registers, which, taken as a unit, comprise a register of these despatches from 1855 to 1906. These register volumes, in their entirety, record diplomatic despatches received by the Department of State from American legations throughout the world from 1789 to 1906. For the period beginning in 1870 the communications reproduced in this microcopy are registered, with those from representatives in other countries, in volumes that have been reproduced as the first 10 rolls of File Microcopy 17, State Department Registers of Correspondence.

In Record Group 59, General Records of the Department of State, in the National Archives there are several series of volumes containing additional material on the relations between Japan and the United States. Complementary to the diplomatic despatches are instructions from the Secretary of State to the diplomatic representatives of the United States accredited to Japan, 1855-1906, which have been reproduced on Rolls 104-108 of File Microcopy 77, Diplomatic Instructions of the Department of State. Additional records pertaining to the relations between the United States and Japan during the period covered by the present microcopy include the

communications ("Notes") exchanged between the Secretary of State and the diplomatic representatives of Japan in Washington. Related to these records, though less directly, are despatches to the Department of State from United States consuls at Nagasaki, 1860-1906 (File Microcopy 131), Kanagawa, 1861-1897 (File Microcopy 135), Yokohama, 1897-1906 (File Microcopy 136), and at Osaka, Hiogo, and Kobe, 1868-1906. All these series were discontinued on August 14, 1906, when the Department of State adopted the practice of filing incoming and outgoing correspondence, not of a routine nature, by subject in a single numerical case file. Correspondence on routine matters was placed in a "minor file." In 1910 this system was abandoned and the Department's present decimal system of subject classification adopted. The numerical case file, the "minor file," and the decimal file are in the National Archives through 1929.

Also in the National Archives, in Record Group 84, Records of the Foreign Service Posts of the Department of State, there are records kept by American diplomatic and consular posts. Although these post records duplicate to some extent the records that were kept in Washington, they supplement them importantly by providing detailed information about many transactions that were only summarized or were not reported on at all in the documents that were transmitted to Washington. File microcopies of these post records have not been made.

In this microcopy the ends of lines next to the binding have not always been reproduced by the camera; a reading of any lines thus affected will be provided upon request by the National Archives.

# ROLL CONTENTS

The volume microcopied on this roll has the following backstrip title: "80 / Japan / Lloyd C. Griscom / March 1, 1905, / August 31, 1905 / 199 - 300 / Department / of State." It contains communications, with related enclosures, to the Secretary of State from Lloyd C. Griscom, Envoy Extraordinary and Minister Plenipotentiary accredited to the Government of Japan, December 16, 1902.

I have the honor to be,

dear Mr. Hay,

Your obedient servant

*Loys Criscom*

Honorable John Hay,  
Secretary of State,  
Washington.

*Handwritten initials*

MAR 24 1905  
BUREAU

INDEX BUREAU  
REG'D.  
MAR 22 1905  
DEPT. OF STATE

BUREAU OF APPOINTMENTS  
MAR 24 1905  
Department of State

Personal.

March 4, 1905.

INDEX BUREAU  
MAR 25 1905  
FILED

*Handwritten notes:*  
Am. m. 24/05  
HWA

Dear Mr. Hay:

I would ask you to be so good as to present to the President the enclosed letter, which is my formal resignation as Minister to Japan, presented in view of his entrance upon a new term of office.

I have no desire to leave the post but in view of the possibility that the President might wish to nominate someone else for the office I place my resignation in his hands.

White House,

Washington, D. C.

Dear Mr. President:

In view of your entrance upon a new term of office I beg to tender my resignation as Minister to Japan, to take effect whenever you deem it advisable.

I have the honor to be,

dear Mr. President,

Your obedient servant

*Loys Criscom*

7  
March 4, 1905.

The Honorable Theodore Roosevelt,  
White House,  
Washington, D. C.

Dear Mr. President:

In view of your  
entrance upon a new term of office I  
beg to tender my resignation as Minister  
to Japan, to take effect whenever you  
deem it advisable.

I have the honor to be,  
dear Mr. President,  
Your obedient servant

*Lopchinski.*

Handwritten signature  
DIPLOMATIC  
MAR 6 1905  
BUREAU.

TELEGRAM RECEIVED.

Postal.

1 CB CG JM 38 U.S.G. Sub. octn.

From

DIPLOMATIC BUREAU.

TOKIO

SecState,

Washington.

IND. REC'D.  
MAR 6 1905  
DEPT. OF STATE

*has  
much*

DEPT OF STATE  
MAR 6 1905  
2ND ASST SECRETARY

To day of war.  
Confirm  
[not to be printed]

March fifth Colonel Crowder telegraphed yesterday from Manchuria First Army completed crossing Shaho last night meeting serious resistance to-day low temperature serious obstacle Left army advancing rapidly right army progress slower but represented as satisfactory.

Criscon.

*But if it is*

Rec'd. March 5, 1905, 12:26 p.m.

INDEX BUREAU  
MAR 16 1905  
FILED

DEPARTMENT OF STATE  
MAR 6 9 10 AM 1905  
CHIEF CLERK'S OFFICE

*Handwritten initials*

UNITED STATES LEGATION,  
TOKIO.

ASSISTANT SECRETARY.

APR 4 1905

No. 199.



*Handwritten initials*

DIPL. MATIC

APR 6 1905

BUREAU.

March 6, 1905.

Mr. Griseom to Mr. Hay.

*Handwritten: ahd. apr. 6*

SUBJECT:- The American Asiatic Association of Japan.

Report of speeches at dinner at Yokohama,

March 4, 1905, and editorial and other matter

concerning history and work of Association.

CHIEF CLERK,  
APR 3- 1905  
Department of State.



UNITED STATES LEGATION,  
TOKIO.

No. 199.

March 6, 1905.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:-

I have the honor to transmit herewith, in duplicate, a printed report by the "Japan Daily Advertiser" of speeches made at the dinner of the American Asiatic Association of Japan at Yokohama, March 4, 1905, together with editorial and other matter relating to the history and work of the association.

I have the honor to be,

Sir,

Your obedient servant,

*Legationnaire.*

ENCLOSURE:-Printed report, in duplicate, from the  
"Japan Daily Advertiser" of March 6, 1905.

Encl...

# Supplement to the "Japan

[REPRINTED AT THE G. P. O. AS A NEWS]

可應物便郵陸三第

YOKOHAMA, MONDAY, MARCH 6,

## Japan Daily Advertiser.

THE JAPAN DAILY ADVERTISER  
Is published every morning Sunday and Holi-  
days excepted.

Office—No. 74, Yokohama,

THE ADVERTISING PUBLISHING Co.,  
Proprietors.

### TERMS OF SUBSCRIPTION

Payable in Advance.

	One Month.	Six Months.	One Year.
DAILY ADVERTISER	yen. 1.00	yen. 11.00	yen. 20.00

Postage Free to any part of Japan,  
Formosa or Korea.

YOKOHAMA, MONDAY, MAR. 6, 1905.

## The American Asiatic Association.

The signal success of the latest gathering of the American Asiatic Association, of which we give a report in another column, together with an abstract of the work it has thus far accomplished during the brief period of its existence, deserves special mention if for nothing more than to call attention to the way in which the organization has carried out the purposes for which it was formed. In these purposes, it will be noted, and in the manner in which they have been so efficiently executed, the Association has not only given an example of American energy and efficiency, but it has also kept its operations in the closest conformity with the spirit in which America has made its advent into the world of foreign trade. It has entered into that arena of rivalry with other nations with no desire for aggression, but in pursuance of legitimate methods, characterized by Mr. Copmann in his speech, as "free competition and fair play," in this regard closely following the business tradition of the Mother Country.

It is doubtless due to the principle

country in relation to the methods to be adopted to conserve the rights of American citizens in the Chinese Empire.

The efforts of this committee, which were supported by nearly all of the leading firms and corporations of New York, Philadelphia, Washington, Plainfield, Pittsburg, Dunkirk, Paterson, Thompsonville, South Bethlehem, and others, interested especially in trade with the Orient contributed, in some measure, in bringing into prominence the policy of the "open door" in China, which policy has been a striking feature of the diplomatic attitude of the American Government in recent years.

On June 9, 1898, the American Asiatic Association was formally organized in New York City, with Mr. Everett Frazer as President and Mr. John Foord as Secretary. Mr. Frazer was succeeded as President by Mr. Silas D. Webb of the China and Japan Trading Co.

The objects and purposes of the Association, as announced in its constitution, are:—

1.—To foster and safeguard the trade and commercial interests of the citizens of the United States, and others associated therewith, in the Empires of China, Japan, and Korea, and in the Philippine Islands, and elsewhere in Asia and Oceania.

2.—To secure the advantages of sustained watchfulness and readiness for action, attainable by union and permanent organization, in respect of such Asiatic trade, and as well in matters of legislation, or treaties affecting the same.

3.—To promote the creation and maintenance of a Consular Service of the United States in Asia and Oceania, which shall be founded upon the principles of uniform selection, security of tenure during good service, and adequate compensation.

4.—To provide for convenient ascertainment and distribution of information affecting the interests of its members.

5.—And, generally, to promote a beneficial acquaintance and association of those having interests and pursuits in common concerned with such trade or commerce.

A report of considerable length was prepared and furnished to the Latham Canal Commission at Washington.

The Association contributed yen 500 to the fund for the erection of the Perry Monument at Kurihama and participated in the unvailing ceremonies on July 14, 1901.

An adequate charity fund has been maintained and placed in the hands of the American Consul General for the relief of destitute fellow countrymen.

The observance of Independence Day has been successfully cared for by the collection of generous subscriptions for fireworks, yacht race prizes and baseball expenses.

On Memorial Day, each year, a sub-committee from the Association co-operates with the American ladies of Yokohama and the Naval authorities in suitable ceremonies at the graves of American sailors and soldiers at Yokohama and Iwakuni.

A sub-committee has charge of the care of the graves at Yokohama of American citizens whose relatives and friends are not resident in Japan.

The Association has collected and handed over to the treasurer in Tokyo of the Perry Memorial Relief Fund, for the benefit of the families of Japanese soldiers and sailors, the sum of Yen 22,000, and is soliciting further subscriptions to that fund.

Conditions in Japan and the friendly and progressive disposition of its Government have made unnecessary a display of such energies as have signified the useful career of the sister association in China.

## The Dinner of the American Asiatic Association.

The Annual Dinner of the American Asiatic Association was held at the Grand Hotel on Saturday evening, in recognition of the inauguration of President Roosevelt which took place on that day. The main dining hall of the Hotel was used for the purpose, it being tastefully and appropriately decorated for the occasion, the

responded to with siasm amid the strains of the Grand Hotel orchestra. The music of the Sufa then rose and allusion to the coming of the health of President Roosevelt, whenever it was the evening, called upon the Mayor and called upon Mayor which he did in his gratitude and nation for the sympathy had extended to the great trial. The the Mayor's feeling audience.

Mr. Copmann, of the China Association, guests of the occasion, objects of the two infant and said association could do motion of American to follow the lead motto was "free play." The toast Mr. J. P. Mollins members of the expressed the hope which was displayed American organization energy into the older society.

The President General follows from which he speech, full of spirit subject, his ready establishing his the most difficult after-dinner oratory pended to by the Associated Press, of correspondents Japan to be the man, and winning His speech, full on showing the of almost perfect finish. He was

Enclosure with Mr. Grise's No. 199, of March 6, 1905.

# "Japan Daily Advertiser."

REGISTERED AT THE U. S. P. O. AS A NEWSPAPER.

刊休日曜日行發週一日毎

YOKOHAMA, MONDAY, MARCH 6, 1905.

日二十二月三年五十二西曆

considerable length was  
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Independence Day  
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a subscriptions for  
prizes and baseball

each year, a sub-  
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liers at Yokohama

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Yokohama of Ame-  
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the American  
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resident Roosevelt  
day. The main  
was used for the  
fully and appre-  
the occasion, the

responded to with much genuine enthu-  
siasm amid the strains of the Kimi-ga-yo by  
the Grand Hotel Band, which furnished  
the music of the evening. Governor  
Suga then rose and with an appreciative  
allusion to the occasion of the meeting, gave  
the health of President Roosevelt, whose  
name, whenever it was mentioned during  
the evening, called forth unstinted ap-  
plause. Mr. Seidmore, offering a welcome  
to the Mayor and to the Japanese guests,  
called upon Mayor Ichihara to respond,  
which he did in an address expressing  
his gratitude and that of the entire  
nation for the sympathy which America  
had extended to Japan in the hour of her  
great trial. The evident genuineness of  
the Mayor's feeling greatly impressed his  
audience.

Mr. Copmann, in offering a toast to the  
China Association, represented among the  
guests of the evening, referred to the  
objects of the two societies as of the same  
intent and said that the younger as-  
sociation could do no better for the pro-  
motion of American trade interests than  
to follow the lead of Great Britain, whose  
motto was "free competition and fair  
play." The toast was responded to by  
Mr. J. P. Morrison, one of the oldest  
members of the China Association, who  
expressed the hope that the vigorous life  
which was displayed by the younger  
American organization would infuse fresh  
energy into the somewhat moribund life of  
the older society.

The President then called upon Consul  
General Bellows to offer a toast to the  
Press which he did in a characteristic  
speech, full of apt stories germane to his  
subject, his ready wit and quaint diction  
establishing his well known reputation in  
the most difficult of all arts, that of  
after-dinner oratory. His toast was re-  
sponded to by Mr. Martin Egan of the  
Associated Press, conceded by the army  
of correspondents who have come to  
Japan to be the king of all newspaper  
men, and winning the love of them all.  
His speech, full of apt stories as well  
as showing the enthusiasm he felt for his  
chosen profession, brought down the  
house. He was followed by Mr. George

its members, for one case after another  
involving knotty problems of international-  
law or difficult questions connected with  
the intricacies of modern trade have  
arisen in the past years. That your  
Association here has had so few occasions  
for the exercise of its functions in respect  
to such matters as these is a subject for  
heartily congratulation. It reflects favor-  
ably not only upon the tactful and adroit  
manner in which your Association is  
conducted, but also upon the just and  
liberal Government whose hospitality we  
are all enjoying to-day.

As long as the sole function of your  
society is to gather its members together  
once a year at a festive annual dinner  
you are indeed fortunate, but let no one  
suppose that because the present work is  
of such a peaceful character that it does not  
justify the continuance of the Association.  
It may be indeed that the mere existence  
of the Society without any action on its  
part is a source of strength to you all.  
Indeed if the Society did not nothing more  
than to convene us on such occasions as this  
it would serve a useful purpose. It is  
not good for our patriotism to live too  
long away from America, but if our  
interests compel us to do so there is no  
better tonic than for us to gather together  
at least once a year and give vent to our  
compelling Americanism. To be sure we  
have honored guests of other nationalities  
among us, but they were forewarned of  
what they might hear and certainly it can  
do them no injury. It is a salubrious  
breath of fresh American air that fills  
our lungs with pure ozone and enables us  
to face our tasks for another year with  
lighter hearts.

Personally I welcome any excuse to go  
from Tokyo to Yokohama. I had occasion  
at your last dinner to say that I  
hoped you would not allow the eighteen  
miles which exist between our cities to  
prove a wide gulf of separation. I am  
glad of the opportunity now to repeat that  
remark and I may truthfully say that in  
the past year and a half I have done my  
utmost to maintain between your Associa-  
tion and the American Legation an even  
clear relationship than exists between

our diplomatic and consular services, and  
to urge upon our national government the  
vital importance of placing them upon a  
regular and permanent basis.

This brings us naturally to a reference  
to the great man to whom the Civil Service  
of the United States owes so much. He is  
the man under whose guiding spirit we are  
working and he is the man under whose  
ceaseless effort and fostering care our  
trade in the Far East is steadily expanding.  
You need hardly be told that I refer to  
Theodore Roosevelt, President of the  
United States.

Let me quote you the words of Francis  
B. Loomis, Assistant Secretary of State, to  
whom the diplomatic service of the United  
States owes much, so much. They were  
delivered on an occasion of special interest  
to us all, when three months ago our Associa-  
tion in New York gave the most magnif-  
icent banquet in its history in honor of H.  
I. H. Prince Fushimi, who was visiting  
the United States to demonstrate the  
interest of His Majesty the Emperor of  
Japan in our great Industrial Exposi-  
tion at St. Louis. What Mr. Loomis said  
was this:

"Between the President and the men  
who are doing good and honest work all  
over the world there is a bond of  
sympathy and interest. The soldier  
Prince of Japan and the President of the  
United States when they met did not meet  
as strangers. Though men of different  
race, different education, different points  
of view, each instinctively and instantly  
recognized in the other those splendid  
qualities of human nature which are  
peculiar to no race and to no clime."

We all have vividly in our minds  
the events of the year which has  
passed since the last dinner of this  
Association in Yokohama, and throughout  
this crisis, as throughout all the trying  
problems of foreign affairs which President  
McKinley and President Roosevelt have  
had to meet during the past six years,  
there has been at the right hand of the  
President a man the mention of whose  
name made a thrill of admiration and en-  
thusiasm into the heart of every true Amer-  
ican, the man whom Lord Lansdowne  
described as "that great Statesman John  
Hay". The annals of history have a  
wide and exalted place reserved for him.  
But if his work has been appreciated  
at home how much more should  
it be valued by those of us who  
live in the East. It is not only his

Association's work is held in such high esteem by the American government and is so consistently seconded by it. This does not mean that the Association is in any sense an integral part of the Government, or that its work is subject to the latter's influence or dictation. If there is any one fundamental principle underlying that Government, it is that of keeping separate and distinct the various fields of the people's life and thought. Just as it refuses to complicate matters by any entanglements with the Church, so its attitude toward business concerns is that of "hands off" except where the welfare of the whole body politic is concerned. It is in holding to this attitude that in its overweening solicitude for the general well being, it has been led into the extreme of contradiction in the adoption of the policy of fostering individual enterprises within its own domain under the watchword of Protection. The halcyon days of that policy are nearing their end and America is now in the throes accompanying its dissolution, and entering into the markets of the world. That among those markets that of the Far East is deemed of the highest importance is shown, by the regard in which a local organization for the furtherance of American trade interests here is held by the present Washington administration.

### The American Asiatic Association.

This Association had its origin in a conference of merchants and others interested in the maintenance of commercial rights and privileges possessed by the United States in China, held at 59 Wall Street, New York, on January 6th, 1898. Mr. James McGee of the Standard Oil Company presided, and a committee, consisting of Mr. Everett Frazer, Mr. S. D. Brewster of Deering, Milliken & Co., Captain E. L. Zalinski of the Bethlehem Iron Co., Mr. Clarence Cary of Cary & Whitridge, and Mr. John Ford of the Journal of Commerce and Commercial Bulletin, was appointed to confer with the Chamber of Commerce and, if deemed desirable, to communicate with other commercial bodies throughout the

The Association publishes a monthly journal devoted to the dissemination of information of interest to its members, and, by its annual and special dinners, by correspondence, and by personal visits of its officers to Washington, has ably fulfilled the intentions of its founders.

In compliance with a request from the Association, on December 6, 1898, the American Association of China was organized in Shanghai and has proved a most valuable and influential auxiliary.

On June 26, 1899, the American Asiatic Association of Japan was organized at Yokohama, having as its objects:—

1.—To foster and safeguard the commercial and other interests citizens of the United States of America in Japan:

2.—To promote a beneficial acquaintance and association among Americans in Japan, and, by union and permanent organization, to give more effective aid in behalf of measures intended to advance such interests.

3.—To gather and distribute information of importance to its members.

4.—To act in concert with, and aid in the purposes of the American Asiatic Association of New York, and the American Association of China, and such kindred associations as may be hereafter formed in the Orient.

The first President of the Association was Mr. Arthur Otis Gay, of the firm of Walsh, Hall & Co. The present officers of the Association are:—

President—N. F. Smith  
Vice President—B. C. Howard  
Secretary—G. H. Seidmore  
Treasurer—W. L. Merriman  
Executive Committee.

J. W. Copmann  
E. S. Booth  
D. H. Blake  
E. W. Frazer  
C. Gibbons  
E. Mendelson

Among the matters which have engaged the activities of the Association since its birth are:—

During the summer of 1899, the Association, in co-operation with the American ladies of Yokohama, made suitable provision for the reception and cure of 13,317 American soldiers en route home from the Philippine Islands.

Correspondence has passed between the Association and the American Legation at Tokyo concerning the registration taxation of property in the former foreign settlements and voluminous memoranda have been prepared in connection therewith.

Since serving on the board of directors, the table was arranged in the form of a horseshoe, the guests being seated on the outside while the inner circle was utilized for serving purposes, thus admirably contributing to the comfort and convenience of the guests. At the upper end of the hall was placed a portrait of President Roosevelt surrounded with the flags of America, Great Britain, and Japan, and embowered in foliage of tropical luxuriance. At the opposite end there was also a combination of the colours of the three nations while the central space was adorned by a huge bronze eagle artistically draped with the American flag, all the appointments reflecting great credit upon Manager Davies, who gave personal supervision to every detail which the hotel could contribute to the success of the occasion.

There were present Mr. N. F. Smith, President of the Association, His Excellency Mr. Lloyd C. Griscom, the American Minister, His Excellency Suifu Kobai, Governor of the Kan, Mayor Ichihara, Consul General E. C. Ballou, Messrs. Boma and Bekkey, the President and the Manager of the Yokohama Specie Bank, V. A. Cosmar Hawkins and T. S. Baker, Manager and Sub-Manager of the Hongkong and Shanghai Banking Corporation, Juichi Soyeda, President of the Nippon Kogyo Ginko, J. Williamson Jones, Manager of the Chartered Bank, H. C. Gulland, Manager of the International Bank, H. W. Denison, Adviser to the Foreign Department, Martin Egan of the Associated Press, George Kennan, Correspondent of the Outlook, G. M. Lakesh, U. S. Paymaster, G. H. Seidmore, R. S. Miller, and I. Laughlin of the American Legation, J. W. Copmann and L. H. Abel of the Standard Oil Co., Otani Kobai of the Chamber of Commerce, Professor Swift, B. C. Howard, Agent of the San Francisco Lines, F. J. Abbott, Manager of the P. & O. S. N. Co., Rev. E. S. Booth, D. H. Blake, Manager of the American Trading Co., and Messrs. Mollison Mendelson, Varnum, Gause, Schopflocher, Van B. Smith, Rosenthal, Geary, McChesney, Sullivan, Gibbons, Frazer, Horne, Keane, Knapp, Nelson, McGowan, Moore, Thorne, Messer, Briggs, Bowden, and Stern.

The menu fully contained the credit of the famous hospitality.

The feast of reason was opened by President Smith, who in most appropriate and fitting words proposed the health of His Majesty the Emperor, whom he characterized as "the remarkable ruler of a remarkable people." This was

of his experience, bore kindness and correspondence were treated

President of appreciation to his government residents in censurey Min pronounced culminating print in full

Minister

I feel myself chosen to present Asiatic Association fortune to be avowed purpose such that United States entire sympathy dearest it, safeguard interests of secure by advantages of united action view the Secretary on the right endeavors measures taken strenuously effort which It is of the Association closest possible ment of the regard to the to say a few

Your Association within the frequent reports of State upon your interest yet failed heartily support saying that articles containing China were entirely recommended mention but which the made itself of New York, many months confidential report of State purposes have branch of your in China has

As the hour was then close verging upon midnight, the guests took leave amid a chorus of congratulations upon the eminent success of the evening's entertainment.

# Supplement to the "Japan Daily Advertiser."

REGISTERED AT THE G. P. O.

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YOKOHAMA, MONDAY, MAR. 6, 1905.

## Japan Daily Advertiser.

THE JAPAN DAILY ADVERTISER  
Is published every morning Sunday and Holydays excepted.

Office—No. 74, Yokohama.  
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Proprietors.

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YOKOHAMA, MONDAY, MAR. 6, 1905.

### The American Asiatic Association.

The signal success of the latest gathering of the American Asiatic Association, of which we give a report in another column, together with an abstract of the work it has thus far accomplished during the brief period of its existence, deserves special mention if for nothing more than to call attention to the way in which the organization has carried out the purposes for which it was formed. In these purposes, it will be noted, and in the manner in which they have been so efficiently executed, the Association has not only given an example of American energy and efficiency, but it has also kept its operations in the closest conformity with the spirit in which America has made its advent into the world of foreign trade. It has entered into that arena of rivalry with other nations with no desire for aggression, but in pursuance of legitimate methods, characterised by Mr. Copmann in his speech, as "free competition and fair play," in this regard closely following the business tradition of the Mother Country.

It is doubtless due to the principle

country in relation to the methods to be adopted to conserve the rights of American citizens in the Chinese Empire.

The efforts of this committee, which were supported by nearly all of the leading firms and corporations of New York, Philadelphia, Washington, Plainfield, Pittsburg, Dunkirk, Paterson, Thompsonville, South Bethlehem, and others, interested especially in trade with the Orient contributed, in some measure, in bringing into prominence the policy of the "open door" in China, which policy has been a striking feature of the diplomatic attitude of the American Government in recent years.

On June 9, 1898, the American Asiatic Association was formally organized in New York City, with Mr. Everett Frazar as President and Mr. John Foord as Secretary. Mr. Frazar was succeeded as President by Mr. Silas D. Webb of the China and Japan Trading Co.

The objects and purposes of the Association, as announced in its constitution, are:—

- 1.—To foster and safeguard the trade and commercial interests of the citizens of the United States, and others associated therewith, in the Empires of China, Japan, and Korea, and in the Philippine Islands, and elsewhere in Asia and Oceania.
- 2.—To secure the advantages of sustained watchfulness and readiness for action, attainable by union and permanent organization, in respect of such Asiatic trade, and as well in matters of legislation, or treaties affecting the same.
- 3.—To promote the creation and maintenance of a Consular Service of the United States in Asia and Oceania, which shall be founded upon the principles of uniform selection, security of tenure during good service, and adequate compensation.
- 4.—To provide for convenient ascertainment and distribution of information affecting the interests of its members.
- 5.—And, generally, to promote a beneficial acquaintance and association of those having interests and pursuits in common concerned with such trade or commerce.

A report of considerable length was prepared and furnished to the Isthmian Canal Commission at Washington.

The Association contributed yen 500 to the fund for the erection of the Perry Monument at Kurihama and participated in the unveiling ceremonies on July 14, 1901.

An adequate charity fund has been maintained and placed in the hands of the American Consul General for the relief of destitute fellow countrymen.

The observance of Independence Day has been successfully cared for by the collection of generous subscriptions, for fireworks, yacht race prizes and baseball expenses.

On Memorial Day, each year, a sub-committee from the Association co-operates with the American ladies of Yokohama and the Naval authorities in suitable ceremonies at the graves of American sailors and soldiers at Yokohama and Ikegami.

A sub-committee has charge of the care of the graves at Yokohama of American citizens whose relatives and friends are not resident in Japan.

The Association has collected and handed over to the treasurer in Tokyo of the Perry Memorial Relief Fund, for the benefit of the families of Japanese soldiers and sailors, the sum of Yen 82,000, and is soliciting further subscriptions to that fund.

Conditions in Japan and the friendly and progressive disposition of its Government have made unnecessary a display of such energies as have signalized the useful career of the sister association in China.

### The Dinner of the American Asiatic Association.

The Annual Dinner of the American Asiatic Association was held at the Grand Hotel on Saturday evening, in recognition of the inauguration of President Roosevelt which took place on that day. The main dining hall of the Hotel was used for the purpose, it being tastefully and appropriately decorated for the occasion.

Enclosure with Mr. Griscorn's No. 199, of March 6, 1905.

Duplicate

# "Japan Daily Advertiser."

[REGISTERED AT THE U. S. P. O. AS A NEWSPAPER.]

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YOKOHAMA, MONDAY, MARCH 6, 1905.

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responded to with much genuine enthu-  
siasm amid the strains of the Kimi-ga-yo by  
the Grand Hotel Band, which furnished  
the music of the evening. Governor  
Sufa then rose and with an appreciative  
allusion to the occasion of the meeting, gave  
the health of President Roosevelt, whose  
name, whenever it was mentioned during  
the evening, called forth unstinted ap-  
plause. Mr. Seidmore, offering a welcome  
to the Mayor and to the Japanese guests,  
called upon Mayor Ichihara to respond,  
which he did in an address expressing  
his gratitude and that of the entire  
nation for the sympathy which America  
had extended to Japan in the hour of her  
great trial. The evident genuineness of  
the Mayor's feeling greatly impressed his  
audience.

Mr. Copmann, in offering a toast to the  
China Association, represented among the  
guests of the evening, referred to the  
objects of the two societies as of the same  
intent and said that the younger as-  
sociation could do no better for the pro-  
motion of American trade interests than  
to follow the lead of Great Britain, whose  
motto was "free competition and fair  
play." The toast was responded to by  
Mr. J. P. Mollison, one of the oldest  
members of the China Association, who  
expressed the hope that the vigorous life  
which was displayed by the younger  
American organization would infuse fresh  
energy into the somewhat moribund life of  
the older society.

The President then called upon Consul  
General Bellows to offer a toast to the  
Press which he did in a characteristic  
speech, full of apt stories germane to his  
subject, his ready wit and quaint diction  
establishing his well known reputation in  
the most difficult of all arts, that of  
after-dinner oratory. His toast was re-  
sponded to by Mr. Martin Egan of the  
Associated Press, conceded by the army  
of correspondents who have come to  
Japan to be the king of all newspaper  
men, and winning the love of them all.  
His speech, full of pat stories as well  
as showing the enthusiasm he felt for his  
chosen profession, brought down the  
house. He was followed by Mr. Griscorn

its members, for one case after another  
involving knotty problems of international-  
law or difficult questions connected with  
the intricacies of modern trade have  
arisen in the past years. That your  
Association here has had so few occasions  
for the exercise of its functions in respect  
to such matters as these is a subject for  
hearty congratulation. It reflects favor-  
ably not only upon the tactful and adroit  
manner in which your Association is  
conducted, but also upon the just and  
liberal Government whose hospitality we  
are all enjoying to-day.

As long as the sole function of your  
society is to gather its members together  
once a year at a festive annual dinner  
you are indeed fortunate, but let no one  
suppose that because the present work is  
of such a peaceful character that it does not  
justify the continuance of the Association.  
It may be indeed that the mere existence  
of the Society without any action on its  
part is a source of strength to you all.  
Indeed if the Society did not nothing more  
than to convene us on such occasions as this  
it would serve a useful purpose. It is  
not good for our patriotism to live too  
long away from America, but if our  
interests compel us to do so there is no  
better tonic than for us to gather together  
at least once a year and give vent to our  
compelling Americanism. To be sure we  
have honored guests of other nationalities  
among us, but they were forewarned of  
what they might hear and certainly it can  
do them no injury. It is a salutary  
breath of fresh American air that fills  
our lungs with pure ozone and enables us  
to face our tasks for another year with  
lighter hearts.

Personally I welcome any excuse to go  
from Tokyo to Yokohama. I had occa-  
sion at your last dinner to say that I  
hoped you would not allow the eighteen  
miles which exist between our cities to  
prove a wide gulf of separation. I am  
glad of the opportunity now to repeat that  
remark and I may truthfully say that in  
the past year and a half I have done my  
utmost to maintain between your Associa-  
tion and the American Legation an even

our diplomatic and consular services, and  
to urge upon our national government the  
vital importance of placing them upon a  
regular and permanent basis.

This brings us naturally to a reference  
to the great man to whom the Civil Service  
of the United States owes so much. He is  
the man under whose guiding spirit we are  
working and he is the man under whose  
ceaseless effort and fostering care our  
trade in the Far East is steadily expanding.  
You need hardly be told that I refer to  
Theodore Roosevelt, President of the  
United States.

Let me quote you the words of Francis  
B. Loomis, Assistant Secretary of State, to  
whom the diplomatic service of the United  
States owes much so much. They were  
delivered on an occasion of special interest  
to us all, when three months ago our Associa-  
tion in New York gave the most magnif-  
icent banquet in its history in honor of H.  
I. H. Prince Fushimi, who was visiting  
the United States to demonstrate the  
interest of His Majesty the Emperor of  
Japan in our great Industrial Expositi-  
on at St. Louis. What Mr. Loomis said  
was this:

"Between the President and the men  
who are doing good and honest work all  
over the world there is a bond of  
sympathy and interest. The soldier  
Prince of Japan and the President of the  
United States when they met did not meet  
as strangers. Though men of different  
race, different education, different points  
of view, each instinctively and instantly  
recognized in the other those splendid  
qualities of human nature which are  
peculiar to no race and to no clime."

We all have vividly in our minds  
the events of the year which has  
passed since the last dinner of this  
Association in Yokohama, and throughout  
this crisis, as throughout all the trying  
problems of foreign affairs which President  
McKinley and President Roosevelt have  
had to meet during the past six years,  
there has been at the right hand of the  
President a man the mention of whose  
name sends a thrill of admiration and en-  
thusiasm into the heart of every true Ame-  
rican, the man whom Lord Lansdowne  
described as "that great Statesman John  
Hay". The annals of history have a  
wide and exalted place reserved for him.  
But if his work has been appreciated  
at home how much more should  
it be valued by those of us who

so sedulously carried out, that the Association's work is held in such high esteem by the American government and is so consistently seconded by it. This does not mean that the Association is in any sense an integral part of the Government, or that its work is subject to the latter's influence or dictation. If there is any one fundamental principle underlying that Government, it is that of keeping separate and distinct the various fields of the people's life and thought. Just as it refuses to complicate matters by any entanglements with the Church, so its attitude toward business concerns is that of "hands off" except where the welfare of the whole body politic is concerned. It is in holding to this attitude that in its overweening solicitude for the general well being, it has been led into the extreme of contradiction in the adoption of the policy of fostering individual enterprises within its own domain under the watchword of Protection. The halcyon days of that policy are nearing their end and America is now in the throes accompanying its dissolution, and entering into the markets of the world. That among those markets that of the Far East is deemed of the highest importance is shown by the regard in which a local organization for the furtherance of American trade interests here is held by the present Washington administration.

### The American Asiatic Association.

This Association had its origin in a conference of merchants and others interested in the maintenance of commercial rights and privileges possessed by the United States in China, held at 59 Wall Street, New York, on January 6th, 1898. Mr. James McGee of the Standard Oil Company presided, and a committee, consisting of Mr. Everett Frazar, Mr. S. D. Brewster of Deering, Milliken & Co., Captain E. L. Zalinski of the Bethlehem Iron Co., Mr. Clarence Cary of Cary & Whitridge, and Mr. John Foord of the Journal of Commerce and Commercial Bulletin, was appointed to confer with the Chamber of Commerce and, if deemed desirable, to communicate with other commercial bodies throughout the

The Association publishes a monthly journal devoted to the dissemination of information of interest to its members, and, by its annual and special dinners, by correspondence, and by personal visits of its officers to Washington, has ably fulfilled the intentions of its founders.

In compliance with a request from the Association, on December 6, 1898, the American Association of China was organized in Shanghai and has proved a most valuable and influential auxiliary.

On June 26, 1899, the American Asiatic Association of Japan was organized at Yokohama, having as its objects:—

1.—To foster and safeguard the commercial and other interests citizens of the United States of America in Japan:

2.—To promote a beneficial acquaintance and association among Americans in Japan, and, by union and permanent organization, to give more effective aid in behalf of measures intended to advance such interests.

3.—To gather and distribute information of importance to its members.

4.—To act in concert with, and aid in the purposes of the American Asiatic Association of New York, and the American Association of China, and such kindred associations as may be hereafter formed in the Orient.

The first President of the Association was Mr. Arthur Otis Gay, of the firm of Walsh, Hall & Co. The present officers of the Association are:—

President—N. F. Smith  
Vice President—B. C. Howard  
Secretary—G. H. Seidmore  
Treasurer—W. L. Merriman  
Executive Committee.

J. W. Copmann  
E. S. Booth  
D. H. Blake  
E. W. Frazar  
C. Gibbens  
E. Mendelson

Among the matters which have engaged the activities of the Association since its birth are:—

During the summer of 1899, the Association, in co-operation with the American ladies of Yokohama, made suitable provision for the reception and care of 18,917 American soldiers en route home from the Philippine Islands.

Correspondence has passed between the Association and the American Legation at Tokyo concerning the registration taxation of property in the former foreign settlements and voluminous memoranda have been prepared in connection therewith.

annex serving as the reception room. The table was arranged in the form of a horse shoe, the guests being seated on the outside while the inner circle was utilized for serving purposes, thus admirably contributing to the comfort and convenience of the guests. At the upper end of the hall was placed a portrait of President Roosevelt surrounded with the flags of America, Great Britain, and Japan, and embowered in foliage of tropical luxuriance. At the opposite end there was also a combination of the colours of the three nations while the central space was adorned by a huge bronze eagle artistically draped with the American flag, all the appointments reflecting great credit upon Manager Davies, who gave personal supervision to every detail which the hotel could contribute to the success of the occasion.

There were present Mr. N. F. Smith, President of the Association, His Excellency Mr. Lloyd C. Griscom, the American Minister, His Excellency Sufu Kohai, Governor of the Ken, Mayor Ichihara, Consul General E. C. Bellows, Messrs. Soma and Belkey, the President and the Manager of the Yokohama Specie Bank, V. A. Coeser Hawkins and T. S. Baker, Manager and Sub-Manager of the Hongkong and Shanghai Banking Corporation, Juichi Soyeda, President of the Nippon Kogyo Ginke, J. Williamson Jones, Manager of the Chartered Bank, H. C. Gulland, Manager of the International Bank, H. W. Denison, Adviser to the Foreign Department, Martin Egan of the Associated Press, George Kennan, Correspondent of the Outlook, G. M. Lakesh, U. S. Paymaster, G. H. Seidmore, R. S. Miller, and I. Laughlin of the American Legation, J. W. Copmann and L. H. Abel of the Standard Oil Co., Otani Kohai of the Chamber of Commerce, Professor Swift, B. C. Howard, Agent of the San Francisco Lines, F. J. Abbott, Manager of the P. & O. S. N. Co., Rev. E. S. Booth, D. H. Blake, Manager of the American Trading Co., and Messrs. Mollison Mendelson, Varnum, Gause, Schopflocher, Van R. Smith, Rosenthal, Geary, McChesney, Sullivan, Gibbens, Frazar, Horne, Keane, Knapp, Nelson, McGowan, Moore, Thorne, Messer, Briggs, Bowden, and Stern.

The menu fully sustained the credit of the famous hostelry.

The feast of reason was opened by President Smith, who in most appropriate and fitting words proposed the health of His Majesty the Emperor, whom he characterized as "the remarkable ruler of a remarkable people." This was

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The menu fully sustained the credit of the famous hostelry. The feast of reason was opened by President Smith, who in most appropriate and fitting words proposed the health of His Majesty the Emperor, whom he characterized as "the remarkable ruler of a remarkable people." This was

Kennan, who in an interesting description of his experiences at Port Arthur during the siege, bore earnest testimony to the kindness and consideration with which the correspondents with the Japanese army were treated by the authorities.

President Smith then, in glowing words of appreciation of the services rendered to his government and to all American residents in Japan, called upon His Excellency Minister Griscom, whose speech, pronounced by all present to be the culminating feature of the evening, we print in full.

#### MINISTER GRISCOM'S ADDRESS.

I feel myself singularly favored in being chosen to propose the toast of the American Asiatic Association, of which it is my good fortune to be an honorary member. The avowed purpose of your Association is such that no diplomatic official of the United States could fail to find himself in entire sympathy therewith. As I understand it, your object is to foster and safeguard the trade and commercial interests of American citizens, and to secure by union and organization the advantages of sustained watchfulness and united action. With this high aim in view the Society keeps a careful guard on the rights of American merchants and endeavors vigorously to oppose every measure tending to do them harm and strenuously to support any legitimate effort which would benefit their interests. It is of the greatest importance to your Association that it should maintain the closest possible relations with the Government of the United States and it is in regard to these relations that I would like to say a few words.

Your Association has had occasion within the last few years to make frequent representations to the Department of State upon matters vitally affecting your interests, and you have never yet failed to secure a warm and hearty support. I believe I am correct in saying that at least two or three of the articles contained in our new treaty with China were either entirely created or entirely remodeled to meet with the recommendations of the Association. I mention but one of the many instances in which the weight of the Association has made itself felt. Your able Secretary in New York, Mr. John Foord, has spent many months in Washington in close and confidential relationship with the Department of State, and several excellent purposes have been accomplished. The branch of your Association which exists in China has often acted in the defense of

the Department of State and your Association in New York. I will undertake to guarantee that with your assistance these relations will be maintained in the future with the same sincere cordiality.

This occasion is very welcome because it gives an opportunity to say another word in connection with the relations between your Association and our Government. You have had an ample opportunity of witnessing the work of many diplomatic and consular officers of the United States. You doubtless know that diplomacy has a hard row to hoe. We are often lampooned in the public press of the United States as an amiable and ornamental set of gentlemen, waxing fat on munificent salaries and warming at the European social registers. Whenever there is a proposal on foot to make our service permanent this false impression does the cause much harm. Only the other day "Mr. Dooley" said that in these days of telegraph and quick transmission of news there was very little work for the diplomatic corps to do. "In fact," he said, "it is a good deal like the boy's apple, there is nothing left but the core." There is a grain of truth in what "Mr. Dooley" says but it seems to me he fails to recognize that our labors are simply changing their direction. The fact is that really in modern times the valuable work of a diplomat abroad is becoming less and less political and more and more commercial. An office boy can transmit dispatches of the gravest import; the newspapers can report the birth of Princes and the death of Kings. Sooner or later we must recognize that the only work which will justify our political existence will be the work we may do as the advance guard of commerce.

There is one aspect of our condition to which I would call your attention. In official life good work is often of necessity buried from sight. Governor Taft recently said that if you wish to conceal something in a place which is beyond all possibility of discovery by man, you had better publish it in the annual report of the Secretary of War. However this may be there is a vast amount of valuable work done by our diplomats and consuls which never attains even the publicity of an annual report. It has well been said that in love and diplomacy a man may not boast of his successes. Our officials do not wish for praise but what may be asked is that whenever the occasion presents itself your Association shall be ready to testify to the utility of

living here in the Far East, have had an opportunity to witness the active operation of his great policies. We have also seen at closer range the gruesome details of a great war and so all the more should we be able to appreciate what endless benefit might come from Mr. Hay's earnest efforts to substitute for costly and deadly wars a peaceful and honorable arbitration. We have seen him within the last few months negotiating treaties of arbitration with many of the great powers and you will be glad to hear that when I placed before Baron Komura the Presidential invitation to Japan to enter into a treaty of arbitration it was accepted with alacrity. Whatever the fate of these treaties may be the cause of arbitration has been immeasurably advanced and a retrogression made difficult. The President's appeal for a second meeting of the great Peace Tribunal at The Hague was a simultaneous movement with similar ends in view. It has been cordially received throughout the world, and when in due time the Convention meets its work must be of vast benefit to mankind.

During the fearful struggle which is now going on so near us the Government of the United States has scrupulously maintained the strict neutrality prescribed in the President's proclamation, but at the same time it has firmly asserted the right of our merchants to continue the pureness of their peaceful, neutral trade with only such interference as the conditions of war necessitate and the rules of international law permit. For the past ten years our commerce has expanded with a steady and healthful growth which should stimulate us to further efforts. We must not be tempted for an instant to cease our striving and rest on our laurels, for never in the history of the world has industrial competition been keener. If we are to maintain and increase our markets in the Far East it will only be by unremitting toil and a constant exercise of our best faculties. Thanks be to Providence it is the characteristic of our race to welcome such a struggle. President Roosevelt has expressed this idea in one of his most inspired and patriotic writings. I will close by quoting his words:

"Our nation, glorious in youth and strength, looks into the future with fearless and eager eyes and rejoices, as a strong man to run a race. We do not stand in a craven mood asking to be spared the task. No! we challenge the proud privilege of doing the work that Providence allots us, and we face the coming years high of heart and resolute of faith that to our people is given the right to win such honor and renown as has never been granted to the people of mankind."

The last toast of the evening was then proposed by Minister Griscom to the American Asiatic Association, and responded to by President Smith with his well-known force and eloquence, his peroration closing with a rendition of Longfellow's verses "Sail on, O Ship of State."

As the hour was then close verging upon midnight, the guests took leave amid a chorus of congratulations upon the eminent success of the evening's entertainment.

*File*  
*Tel. to Gov. Hawaii Feb 7*  
TELEGRAM RECEIVED IN CIPHER.

*From* TOKIO,

Received March 7, 1905.

6:52 a. m.

Secretary of State,

Washington.

March 7, 1 a. m.

The Foreign Office informed me Kaitaro has not yet been apprehended. I will telegraph you when informed of his arrest.

G R I S C O M.

DEPARTMENT OF STATE

MAR 7 10 25 AM 1905

CHIEF CLERK'S OFFICE



Deciphered by the Chief Clerk's Office, March 7, 1905. 10:05

Deciphered by the Chief Clerk's Office, March 8, 1905. 4:05 p. m.

*File*  
**TELEGRAM RECEIVED IN CIPHER.**

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DEPARTMENT OF STATE

MAR 7 10 25 AM 1905

CHIEF CLERK'S OFFICE



Deciphered by the Chief Clerk's Office, March 7, 1905. 10:05

Deciphered by the Chief Clerk's Office, March 8, 1905. 4:05 p. m.

DIPLO ATG

MAR 11 1905

TELEGRAM RECEIVED IN CIPHER. BUREAU.

ASSISTANT SECRETARY.

From TOKIO,

Received March 8, 1905,

MAR 10 1905

3:15 p. m.

Secretary of State,

Washington.

March 8, 9 p. m.

*600  
3/11/3D  
P. W. S.*

Minister of War informs me the Russian Army on the Shaho is completely routed and in full retreat in disorder. Russians left eight thousand dead in front of Oku. One brigade five thousand men of General Oku's army annihilated.

Total Japanese losses to date fifty thousand killed and wounded.

G R I S C O M.



*2*

March 8, 1905. 4:05 p. m.

Deciphered by the Chief Clerk's Office,

# TELEGRAM RECEIVED IN CIPHER.

*From* TOKIO,  
Received March 9, 1905,  
11:08 p. m.

Secretary of State,  
Washington.

March 9, 11 Confidential. I asked the Minister for Foreign Affairs today if, in view of military success, he would give me an idea of the conditions on which Japan would make peace. After consulting the Prime Minister he replied Japan must be careful not to seem desirous to end the war, but he could say that they desired to secure the same ends for which the war was begun, and, if successful, would demand no severe conditions. They have, of course, formulated conditions and would make them known to the President when assured that the inquiry comes from Russia, and satisfied that a government or party exists in Russia ready and competent to make peace. He added that he had no reason to suppose that this was the case now.

DEPARTMENT OF STATE

GRISCOM.

MAR 10 9 34 AM 1905

CHIEF CLERK'S OFFICE

Deciphered by the Chief Clerk's Office,

March 10, 1905. 9:30

Mr. *Leif Bruma* *file*

and No. 282.

TELEGRAM RECEIVED IN CIPHER

From

TOKIO,

Received March 10, 1905,

1:10 p. m.

Secretary of State,  
Washington.

March 10, 8 p. m.      Minister for Foreign Affairs  
informs me the Japanese Army occupied Mukden at ten  
o'clock today.

GRISCOM.



Deciphered by the Chief Clerk's Office,

March 10, 1905. 1:25

RECEIVED  
DIPLOMATIC  
MAR 11 1905  
ASSISTANT SECRETARY  
MAR 10 1905  
*6-8-11*

# TELEGRAM RECEIVED IN CIPHER.

*From* TOKIO,

Received March 10, 1905,

6:22 a. m.

Secretary of State,  
Washington.

March 10, noon.

I am assured personally and confidentially  
by the American adviser of the Japanese Foreign  
Office that if the Japanese Government can possibly  
arrange it, when the moment arrives, the President  
will be asked to act as peace maker.

GRISCOM.

DEPARTMENT OF STATE

MAR 10 9 54 AM 1905

CHIEF CLERK'S OFFICE

Deciphered by the Chief Clerk's Office,

March 10, 1905. 9:20

TELEGRAM RECEIVED IN CIPHER.

DIPLMATIC

MAR 13 1905

BUREAU.

DIPLOMATIC BUREAU.

DEPT OF STATE

MAR  
13  
1905

2ND ASST SECRETARY

*From* TOKIO,

*Confirm*  
*Revised to press.*  
Received March 12, 1905,

*all*  
5:45 p. m.

Secretary of State,  
Washington.

March 12, 1 p. m.

Officially reported Japanese Army captured  
twenty thousand prisoners before 11th.

GRISCOM.



iphered by the Chief Clerk's Office, March 12, 1905.

*McC*



DIPLOMATIC BUREAU.

*Confirm.  
Give to press.*

*acc*

2 PO KE GI 24/23 USG via Pac.

*From* Tokio.

Secstate,

Washington.

Further official report Russian losses over 155000, forty-thousand prisoners  
26500 dead left on field and about 90000 other casualties.

Griscom.

Received March 12--2:52p

*Copy 14/12  
filed  
M*

DEPARTMENT OF STATE  
MAR 13 9 51 AM 1905  
CHIEF CLERK'S OFFICE



*Copy.  
not intended.*

TELEGRAM RECEIVED IN CIPHER.

---

*From* TOKIO,

Received March 12, 1905,

3 p. m.

Secretary of State,

Washington.

March 12, 5 p. m.

In the conversation reported March 9th which occurred informally at dinner, I made it clear to the Minister for Foreign Affairs that my inquiry was prompted solely by the desire to keep you informed of the situation here, and was without your knowledge. I have received from him today a verbal assurance that his understanding of the position of the President is precisely as set forth in your telegram of the 11th instant. He added that the Japanese Government would pursue the war without inviting mediation.

G R I S C O M.

DEPARTMENT OF STATE

MAR 13 9 38 AM 1905

CHIEF CLERK'S OFFICE

March 13, 1905. 9:30 a. m.

Deciphered by the Chief Clerk's Office,



UNITED STATES LEGATION,  
TOKIO.

ASSISTANT SECRETARY,

APR 4 1905

No. 200.

DIPL<sup>omatic</sup>

APR 5 1905

BUREAU.

March 13, 1905.

*Copy to Mr. King  
Act. R. J.  
J. H. King  
Apr 5  
RCE*

MR. GRISCOM TO MR. HAY.

*ackd  
apl. 6  
RCE*

Subject:- Transmitting copy of report from Mr. King,  
Consular Agent at Hakodate.



CHIEF CLERK,

APR 3- 1905

Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 200.

March 13, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to forward herewith  
as of interest to the Department, a copy  
of a report dated the 8 instant from the  
Consular Agency at Hakodate, wherein Mr.  
King mentions the establishment of wireless  
telegraph stations at several points.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom.*

Enclosure:

Mr. King to Mr. Griscom, March 8, 1905, - copy.

ENCLOSURE WITH MR. GRISCOM'S NO. 200 OF MARCH 15, 1908.

COPY.

CONSULAR AGENCY OF THE UNITED STATES  
OF AMERICA.  
HAKODATE, JAPAN.

*To Mr. King  
April 5  
C*

No. 181.

March 8th, 1908.

H. B. Lloyd C. Griscom,  
Esq.,  
Tokyo.

Sir:

Freight traffic on the Hokkaido Tanko Railway, running between Sapporo and Mororan, will be suspended for ten days from date, the line being required by the Government for the purpose of transporting troops.

Wireless telegraph stations have been erected at Cape Yezo, Cape Yezo, Cape Shiriya and also at the western entrance of Tsugaru Straits, and all strange steamers sighted from the above mentioned places are at once reported to the flag ship lying in Hakodate harbor.

I am, Sir, &c.,

Signed: H. J. King  
Consular Agent.

*R.C.*

UNITED STATES LEGATION  
TOKIO.

DEPT OF STATE  
APR 6 1905  
2ND ASST SECRETARY

DIPLOMATIC BUREAU.  
*To the Interests of  
partments.  
Ask with gratification*

No. 201

March 13, 1905.

DIPLOMATIC  
APR 4 1905  
BUREAU.

INDEX BUREAU  
REC'D.  
APR 3 1905  
DEPT. OF STATE

*Approved and  
To Navy, Interior, and  
Agr. Dept., April 5  
filed*

MR. GRISCOM TO MR. HAY.

CHIEF CLERK,  
APR 3-1905  
Department of State.

SUBJECT: Destruction of sea-fowl on the Midway Islands,--  
Enclosing copy of a note from the Japanese Govern-  
ment giving assurances of efforts to stop depredations.

INDEX BUREAU  
APR 8 1905  
FILED

UNITED STATES LEGATION,  
TOKIO.

No. 201

March 13, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to the Department's Nos. 84 of November 4, and 86 of November 11, 1904, and to my No. 167 of January 12, 1905, in regard to the destruction of sea-fowl on the Midway and other American islands, I have the honor to transmit enclosed herewith a copy of a translation of a note received on the 21 ultimo from the Minister for Foreign Affairs, giving further assurances of the efforts of the Japanese Government to stop these depredations.

I have the honor to be,

Sir,

Your obedient servant,

*Lopacriscom.*

ENCLOSURE: Baron Komura to Mr. Griscom, undated.

ENCLOSURE WITH MR. GRISCOM'S NO. 201, OF MARCH 13, 1905.

COPY.

The Minister for Foreign Affairs presents his compliments to His Excellency the American Minister and has the honor to state that the matter of the supervision of predatory hunters of birds on the Midway Islands and other islands belonging to the United States referred to in a recent interview, was immediately brought to the attention of the Minister for Home Affairs from whom a reply has now been received to the effect that instructions have again been issued to the Superintendent of the Metropolitan Police, (Tokyo), the Governor of Kanagawa Ken and other chief local officials, and to the Civil Administrator of Formosa, to take strict measures to prevent any persons within their respective jurisdictions from infringing the regulations prohibiting such expeditions.

Undated:

Received February 21, 1905.

RC



UNITED STATES LEGATION,  
TOKIO.

ASSISTANT SECRETARY,

APR 4 1905

No. 202.

*W. H. C.*

WPLM.T.C

APR 5 1905

BUREAU.

March 13, 1905.

MR. GRISCOM TO MR. HAY.

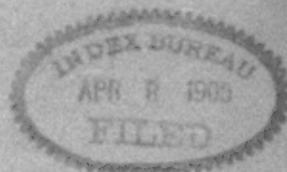
*ackd  
apl 6  
filed*

Subject:- Closing of Diet. Measures of importance  
passed.

CHIEF CLERK,

APR 3- 1905

Department of State.



UNITED STATES LEGATION,  
TOKIO.

No. 202.

March 13, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to inform you that the 21st session of the Japanese Diet was formally closed on the 28th ultimo.

In addition to the special war measures which were reported in my dispatch No. 151 of Decemebr 22, the principal bills passed were the Railway Mortgage Law and the Law relating to Trusts, both of which are promulgated in to-day's Official Gazette. Translations of these measures will be forwarded to the Department as soon as prepared.

On the last day of the session an attempt was made to pass a vote censuring the Government on the ground of certain expenditures in the accounts for 1901 - 1902 which had been presented for audit. The measure was defeated by a large majority.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

*[Handwritten signature]*

UNITED STATES LEGATION,  
TOKIO.

ASSISTANT SECRETARY,  
APR 4 1905

No. 203.

March 13, 1905.

INDEX BUREAU  
REC'D.  
APR 3 1905  
DEPT. OF STATE

*Copy to War  
Bureau. GJ*

DIPL. MATIC  
APR 5 1905  
BUREAU.

*To Mr. Hay  
April 5*

*ackd.  
April 6  
[Signature]*

MR. GRISCOM TO MR. HAY.

CHIEF CLERK,  
APR 5 - 1905  
Department of State

SUBJECT: : Captain Pershing's relief of Colonel Wood as  
Military Attache.

INDEX BUREAU  
APR 8 1905  
FILED

UNITED STATES LEGATION,  
TOKIO.

No.203.

March 13, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to the Department's No.95 of Ja  
January 4, 1905, wherein I am notified of the  
designation of Captain John J. Pershing, Gen-  
eral Staff, to relieve Lieutenant-Colonel O. E.  
Wood, Artillery Corps, United States Army, as  
Military Attaché to this Legation, I have the  
honor to inform you that Captain Pershing re-  
ported to me on the 6 instant, relieving Colonel  
Wood from further duty on that date.

I enclose herewith a copy of my note to  
the Minister for Foreign Affairs advising the  
Japanese Government of this designation.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom.*

ENCLOSURE: MR. GRISCOM to BARON KOMURA, March 10, 1905.

Enclosure No. — with Mr. Griscom's No. 203 of March 13, 1905.

COPY.

No. 123.

UNITED STATES LEGATION,

Tokio, March 10, 1905.

To His Excellency

Baron Komura Jutaro,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre:

I have the honor to inform Your Excellency that Captain John J. Pershing, newly appointed to be Military Attaché to this Legation, entered upon the duties of his office on the 6th instant, relieving Lieutenant Colonel Oliver Ellsworth Wood.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Signed - Lloyd C. Griscom.

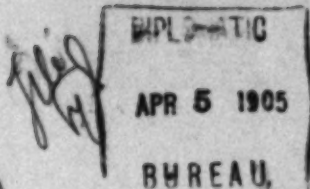
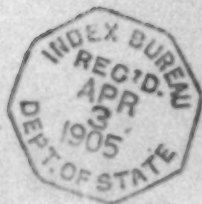
ASSISTANT SECRETARY,

APR 4 1905

UNITED STATES LEGATION,  
TOKIO.

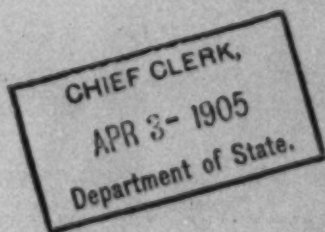
No. 204.

March 13, 1905.



MR. GRISCOM TO MR. HAY.

SUBJECT: Return of letter from the President for Mr. Yōgoro  
Matsumoto who desired to present him with swords.



UNITED STATES LEGATION,  
TOKIO.

No.204.

March 13, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir :

I have the honor to acknowledge the receipt  
of your telegram received on the 12 instant, read-  
ing as follows;

"Griscom, Minister,

"Tokyo.

"Action reported your 186 approved. Pres-  
"ident desires you to return his letter sent  
"for delivery to Gogoro Matsumoto.

"Hay."

In compliance with your instructions I have  
returned to the President under another cover, the  
letter sent by him to me for transmission to Mr.  
Yogoro Matsumoto, a Japanese gentleman who desired  
to present a sword to the President.

I am deeply gratified that you approve my  
action in returning this and other swords similarly  
presented.

I have the honor to be,

Sir,

Your obedient servant,

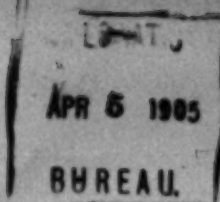
Leo J. Griscom.

not received  
at Order  
Bureau

*HEC*



UNITED STATES LEGATION,  
TOKIO.



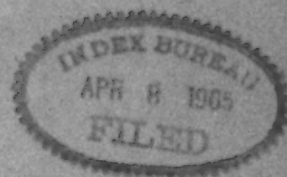
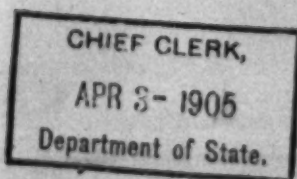
No. 205.

March 13, 1905.

MR. GRISCOM TO MR. HAY.

*Am. June 6  
H. C.  
filed*

Subject:- Supplementary extradition treaty. Trans-  
mitting draft proposed to the Japanese Gov-  
ernment, together with changes proposed by  
Baron Komura.



UNITED STATES LEGATION,  
TOKIO.

No. 205.

March 13, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

1  
2  
I have the honor to report that immediately upon the receipt of your Instruction No. 74 of September 20, last, transmitting the full powers granted me by the President to negotiate with the Japanese Government a supplementary extradition treaty I addressed to the Minister for Foreign Affairs a note, a copy of which is enclosed herewith, informing him of my preparedness to begin negotiations. On November 4 last I received from Baron Komura a note, a copy of which I transmit herewith, stating that the Japanese Government was prepared to negotiate and requesting me to present a draft of the treaty which the American Government would propose.

3-4  
I immediately prepared a draft of a convention along the lines of the supplementary convention between the United States and Mexico, and on November 11 last submitted it to Baron Komura together with a note of transmission. I send you herewith a copy of the draft and the accompanying note.

On the 10th instant Baron Komura sent for me and informed me that his Government accepted the draft proposed by me subject to certain minor changes which he proceeded to explain. He handed me a typewritten draft showing the proposed changes. The additional words or omissions suggested by him are underlined in

red

5  
red ink, as will be seen from the copy which I transmit herewith.

It will be observed that two changes are proposed. By the first the crime of larceny, which was undefined in my draft, is defined as "Larceny which is punishable with an imprisonment of one year or more, or for which the sentence has been pronounced for an imprisonment of one year or more."

At my suggestion this definition of larceny was altered grammatically to read: "Larceny, where the offense is punishable by imprisonment for one year or more, or for which sentence of imprisonment for one year or more has been pronounced."

By the second change the definition of the crime of bribery in my draft is omitted.

In verbal explanation of these changes Baron Komura stated that the first was proposed because he did not deem it advisable to grant extradition for trifling larcenies. With regard to bribery he stated that as the definition of the crime differs materially in Japan and America it seemed advisable to omit any definition. He added that it is understood that either party to the convention may apply for extradition when the offense committed constitutes bribery according to the law of the country making application.

6  
I have the honor to submit for the consideration of the Department a revised draft including the changes suggested by Baron Komura and with the wording of the definition of larceny altered grammatically, as agreed to by the Japanese Foreign Office.

I have the honor to be, Sir,

Your obedient servant,

*Lloyd Garrison*

Enclosures:

Enclosures:-

1. Mr. Griscom to Baron Komura, October 25, 1904,  
Copy.
2. Baron Komura to Mr. Griscom, November 4, 1904,  
Copy.
- 3, 4. Mr. Griscom to Baron Komura, November 11,  
1904, with enclosure.
5. Copy of draft showing changes suggested by  
Baron Komura.
6. Copy of revised draft, embodying Baron Komura's  
suggestions.

(Enclosure No. 1 with Mr. Griscom's No. 2 of March 13 1905.)

COPY.

No. 95

UNITED STATES LEGATION,

Tokio, October 25, 1904.

To His Excellency

The Baron Komura Jutaro,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre:

I have the honor to refer Your Excellency to a conversation held with you May 26 last, wherein I stated that the American Government was desirous of concluding with the Imperial Japanese Government a supplementary treaty of extradition to include "embezzlement by persons hired or salaried to the detriment of their employers, when the amount of money or the value of the property embezzled is not less than \$200.00 or-----; larceny; and bribery." I also added for Your Excellency's information that in a recent supplementary treaty between my Government and Mexico bribery had been defined to be "the giving, offering, or receiving of a reward to influence one in the discharge of a legal duty".

Your Excellency was good enough to say that the suggestion of the American Government would be given careful consideration and a reply sent me as soon as possible. Therefore on June 10, in courteous fulfillment of your assurance Mr. Ishii called upon me and formally stated that the Japanese Government was agreed in principle to the suggestion of entering into a supplementary treaty of extradition along the lines laid down by the

American

American Government, but that there were certain minor details which would have to be the subject of some discussion. He mentioned bribery as a subject necessitating careful consideration owing to the peculiarities of the Japanese law relating thereto. In conclusion he stated that it was presumed full powers would be sent me, upon receipt of which the Japanese Government would be prepared to enter into the negotiations.

I did not fail to inform my Government of the statements of Mr. Ishii and I have now the honor to inform Your Excellency that I am in receipt of full powers from the President of the United States and am directed to open negotiations as soon as it may be convenient to the Japanese Government. I therefore beg to state that I am entirely at the disposition of Your Excellency and will hold myself in readiness to begin negotiations at any time which you may be pleased to indicate.

I embrace this opportunity to renew to Your Excellency the assurances of my highest consideration.

Signed - Lloyd C. Griscom

(Enclosure No. 2 with Mr. Griscom's No. 205, of March 13, 1905)

Copy-Translation.

No. 66.

Department of Foreign Affairs,

Tokio, November 4, 1904.

His Excellency

Lloyd C. Griscom,

Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's note No. 95 of the 25th ultimo in which you inform me that referring to the conversation we had on May 26th last and the subsequent communication which I made through Mr. Ishii of this Office, you are now duly in receipt of full powers from the President of the United States for concluding a Supplementary Treaty of Extradition. You also state that you will be ready to open the negotiations as soon as it may be convenient to the Japanese Government.

In reply I beg to state that the Imperial Government will also be prepared to enter into the proposed negotiations. I would therefore request that Your Excellency will be good enough to present to the Imperial Government, at your convenience, a draft of the proposed Supplementary Treaty of Extradition.

I avail myself of this opportunity to renew to Your excellency the assurances of my highest consideration.

Signed: Baron Komura Jutaro,

Minister for Foreign Affairs.

Enclosure No. 3 with Mr. Griscom's No. 26 of March 13, 1905.

COPY.

No. 99.

UNITED STATES LEGATION,

Tokio, November 11, 1906.

To His Excellency

Baron Komura Jutaro,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre:

I have the honor to acknowledge the receipt of Your Excellency's note No. 66 of the 4th instant, wherein you were good enough to state that the Imperial Japanese Government will be ready to enter into negotiations to conclude with the United States a Supplementary Treaty of Extradition and you request me to present to you at my convenience a draft of the Treaty which the American Government would propose.

In reply to Your Excellency's courteous communication I have pleasure in sending you herewith a draft of the Supplementary Treaty which my Government desires to conclude.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Signed - Lloyd C. Griscom

Enclosure:- Draft of Supplementary Treaty of Extradition.

*Enclosure No. 4 with Mr. Griscom's No. 206 of  
March 13, 1905*

DRAFT

Proposed by Mr. Griscom to His Excellency

Baron Jutaro Komura

of a

SUPPLEMENTARY CONVENTION

BETWEEN

THE UNITED STATES OF AMERICA AND JAPAN FOR THE MUTUAL  
EXTRADITION OF FUGITIVES FROM JUSTICE.

The United States of America and the Empire of Japan being desirous to add the crimes of embezzlement of private moneys or property, larceny, and bribery to the list of crimes or offenses on account of which extradition may be granted under the Treaty concluded between the two countries on the 27th day of September, 1886, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Lloyd Carpenter Griscom, Envoy Extraordinary and Minister Plenipotentiary of said United States at Tokio, and

His Majesty the Emperor of Japan, Baron Jutaro Komura, Minister for Foreign Affairs.

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following

ARTICLE

The following crimes are added to the list of crimes or offenses numbered 1 to 13 in the second Article of the said Treaty of September 27, 1886, on account of which extradition may be granted, that is to say:

Embezzlement by persons hired or salaried, to

the detriment of their employers, where the amount of money or the value of the property embezzled is not less than \$200 or 400 Yen;

Larceny.

Bribery, defined to be the giving, offering or receiving of a reward to influence one in the discharge of a legal duty.

The present Convention shall be ratified and the ratifications shall be exchanged at the City of Tokio as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Treaty of September 27, 1886.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done in duplicate at the City of Tokio, in the English and Japanese languages, this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and four.

Enclosure No. 5 with Mr. Griscom No. 205 of  
March 13, 1905.

COPY.

(Handed by Baron Komura to Mr. Griscom March 10, 1905.)

Draft.

Embezzlement by persons hired or salaried, to the  
detriment of their employers, where the amount of money  
or the value of the property embezzled is not less than  
\$200 or 400 Yen.

Larceny. (Larceny which is punishable with an im-  
prisonment of one year or more, or for which the sentence  
has been pronounced for an imprisonment of one year or  
more).)

Bribery. (defined to be the giving, offering or  
receiving of a reward to influence one in the discharge  
of a legal duty).)

Enclosure No. 6 with Mr. Griscom's No. 205 of March 13, 1904

Draft.

SUPPLEMENTARY CONVENTION  
BETWEEN  
THE UNITED STATES OF AMERICA AND JAPAN FOR THE MUTUAL  
EXTRADITION OF FUGITIVES FROM JUSTICE.

The United States of America and the Empire of Japan being desirous to add the crimes of embezzlement of private moneys or property, larceny, and bribery to the list of crimes or offenses on account of which extradition may be granted under the Treaty concluded between the two countries on the 27th day of September, 1886, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed for their Plenipotentiaries, to wit:

The President of the United States of America,  
Lloyd Carpenter Griscom, Envoy Extraordinary and Minister  
Plenipotentiary of said United States at Tokio, and

His Majesty the Emperor of Japan, Baron Jutaro  
Komura, Minister for Foreign Affairs.

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following

ARTICLE.

The following crimes are added to the list of crimes or offenses numbered 1 to 13 in the second Article of the said Treaty of September 27, 1886, on account of which extradition may be granted, that is to say:

Embezzlement by persons hired or salaried, to

the

the detriment of their employers, where the amount of money or the value of the property embezzled is not less than \$200 or 400 Yen.

Larceny, where the offence is punishable by imprisonment for one year or more, or for which sentence of imprisonment for one year or more has been pronounced.

Bribery.

The present Convention shall be ratified and the ratifications shall be exchanged at the City of Tokio as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Treaty of September 27, 1886.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have affixed hereunto their seals.

Done in duplicate at the City of Tokio, in the English and Japanese languages, this ----- day of ----- one thousand nine hundred and five.

DEPT OF STATE  
APR  
4  
1905  
2ND ASST SECRETARY

RESPECTFULLY REFERRED  
TO THE SOLICITORS.

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able to include  
"bribery" without a  
definition.

It is observed that  
the definition of the  
crime differs materially

would not be bribery  
in the country of asy-  
lum; and, in such  
cases, surrender must  
of the crime not be

J. J.

Assistant Solicitor,  
APR 4 1905  
Department of State.

Dep. Sec.

Ack. & ans. that it  
would not be practi-  
cable to include  
"bribery" without a  
definition.

It is observed that  
the definition of the  
crime differs materially

would not be bribery  
in the country of asy-  
lum; and, in such  
cases, surrender must

if the crime has been

J. J.

in the United States  
and Japan. Under  
these circumstances,  
it might frequently  
happen that an act  
~~which~~ constituting  
bribery in the country  
requesting extradition  
would not be bribery  
in the country of asy-  
lum; and, in such  
cases, surrender would

of an crime not be

J. J.

be precluded by  
the provision in  
Art. V. of the existing  
treaty, that "the fugitive  
shall be surrendered  
only on such evidence  
of criminality as accord  
ing to the laws of the  
place where he shall  
be found, would justify  
his apprehension and  
commitment by trial  
if the crime had been

J. J.

there committed."

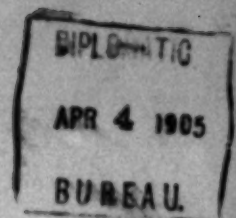
You will ascertain  
and inform the Dept.  
of the definition of  
piracy in the Japanese  
code. It is presumed  
that a definition satisfac-  
tory to both governments  
can be framed.

F. J.

R.C.  
UNITED STATES LEGATION,  
TOKIO.

No. 206,

March 13, 1905.

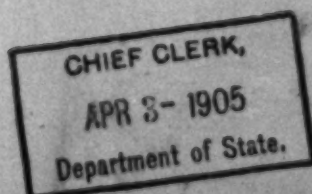
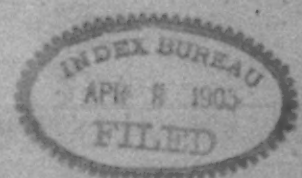


*add. b  
april 1905*

*file  
J.P.*

MR. GRISCOM TO MR. HAY.

SUBJECT: Claims of American citizens for property alleged  
to have been left at Port Arthur.- Claim of Mr.  
W. Toritch.



UNITED STATES LEGATION,  
TOKIO.

No. 206.

March 13, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir :

Referring to my despatch No. 196 of February 24, 1905, I have the honor to transmit herewith a copy of a note dated the 9 instant, addressed to me by the Minister for Foreign Affairs, relative to certain property alleged to have been left at Port Arthur by Mr. W. Toritch.

In this connection I beg to report that other cases similar to this one have been forwarded to this Legation. In view of the fact that private property in Port Arthur is in some jeopardy and the owners are not permitted at present to resume possession there, and as in the confusion there is a possibility of loss, damage, or perhaps unintentional misappropriation, it seemed to me advisable to bring such cases to the knowledge of the Japanese Government without delay. However, in default of any instructions from the Department on the subject, I have presented each case to the Minister for Foreign Affairs as a matter of information, without assuming responsibility.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

ENCLOSURE:

Copy- Baron Komura to Mr. Griscom, March 9, 1905.

(Enclosure with Mr. Griseom's No. 206 of March 13, 1905)

Translation-Copy.

No. 13.

Department of Foreign Affairs,

Tokio, March 9, 1905.

His Excellency

Lloyd C. Griseom,

Envoy Extraordinary and

Minister Plenipotentiary

of the United States of America.

Monsieur le Ministre,

In reference to Your Excellency's note under date of the 21st February last relative to the property of Mr. W. Toritch, an American citizen, alleged to have been left in Port Arthur, the receipt of which I acknowledged by my note No. 10 dated the 28th ultimo, I have the honor to state that the Imperial troops are acting in the strictest obedience to the international rules and regulations, so that they would by no means commit any illegal act against personal property. It is consequently needless to say that they have been, since the fall of Port Arthur in January last, according adequate protection, under laws and regulations enforced in war-time, to all private properties in that place. However, since Mr. Toritch's property in Port Arthur was in the custody of the Russian Authorities from February, 1904, when he left the port until the capitulation, it need not be added that the Imperial Government cannot hold themselves responsible in any way for such property, were it destroyed, spoiled, stolen or burned in the interval.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

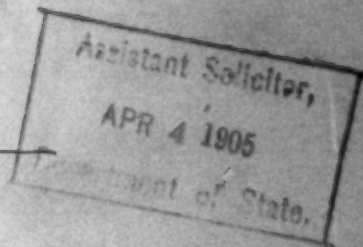
Signed: Baron Komura Jutaro,

Minister for Foreign Affairs.

(Enclosure with Mr. Olsson's No. 206 of March 15, 1905)

Translation-Copy.

Department of Foreign Affairs,  
Tokyo, March 9, 1905.



Dep. Sec.

Merely ack.

then dispatches and  
say that his course  
in bringing these cases  
to the notice of the  
Dep. Sec. as a matter  
of information is  
approved. F. J.

under date  
of Mr. W.  
left in  
my note  
state that  
reference to  
they would  
property.  
seen, since  
adequate  
war-time,  
since Mr.  
of the  
at the  
that the  
die in any  
refused or

turned in the interval.

I avail myself of this occasion to renew to Your

assurances the assurance of my highest consideration.

Signed: Baron Komura Jutaro,

Minister for Foreign Affairs.

UNITED STATES LEGATION,  
TOKIO.

APR 4 1905

BUREAU

No. 207.

March 13, 1905.



MR. GRISCOM TO MR. HAY.

*ackd. 6  
ash*

SUBJECT: Miss Beatrice Bavauda's claim for property alleged to have been left at Post Arthur.- with enclosures.



CHIEF CLERK,  
APR 3- 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 207.

March 13, 1905,

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir :

1  
2 and 3  
4

I have the honor to transmit herewith copies of my note of the 3 instant to the Minister for Foreign Affairs, of letters from Consul-General Bellows at Yokohama and Vice Consul-General Davidson at Shanghai, and of the affidavit of Miss Beatrice Bavauda, relating to property alleged to have been left by her at Port Arthur in March 1904.

The action of this Legation in this and similar cases is explained in my No. 206 of this date.

I have the honor to be,

Sir,

Your obedient servant,

*Louis Griscom.*

ENCLOSURES:-copies:-

1. Mr. Griscom to Baron Komura, March 3, 1905.
2. Mr. Bellows to Mr. Griscom, February 2, 1905.
3. Mr. Davidson to Mr. Bellows, February 13, 1905.
4. Affidavit of Beatrice Bavauda.

*Enclosure No. 1, with Mr. Griseom's No. 207 of March 13, 1905.*

**COPY.**

**LEGATION OF THE UNITED STATES,**

**No. 126.**

**TOKIO, March 3, 1905.**

**To His Excellency**

**Baron Komura Jutaro,**

**His Imperial Japanese Majesty's**

**Minister for Foreign Affairs.**

**Monsieur le Ministre:**

I have the honor to enclose herewith for Your Excellency's consideration copies of correspondence transmitting the affidavit of Miss Beatrice Bavanda concerning property in Port Arthur which she alleges is owned by her and which she desires to have protected by the Imperial Japanese Government.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

**Lloyd C. Griseom.**

**ENCLOSURES:-**

1. Mr. Bellows to Mr. Griseom, February 24, 1905-Copy.
  2. Mr. Davidson to Mr. Bellows, February 13, 1905-Copy.
- Affidavit of Beatrice Bavanda.**

*Enclosure No. 2, With Mr. Grisco's N. 207. of March 13, 1905.*

No. 2422.

UNITED STATES CONSULATE-GENERAL,

YOKOHAMA, JAPAN,

February 24, 1905.

His Excellency

Lloyd C. Grisco,

American Minister, Tokio.

Sir:-

I have the honor to enclose herewith, for such consideration as you may deem proper, the affidavit of Beatrice Bavauda together with copy of letter received from Vice-Consul-General in charge James W. Davidson, Shanghai, China.

I am, Sir,

Your obedient servant,

R.C. Bellows,

American Consul  
General

enclosure N<sup>o</sup> 3 with N<sup>y</sup> Gaiscom's N<sup>o</sup> 207 of March 13, 1905.

- COPY -

#8162.

CONSULAR SERVICE, U. S. A.

SHANGHAI, February 13<sup>th</sup>, 1905.

Honorable R. C. Bellows,  
American Consul-General,  
Yokohama, Japan.

Sir:-

Enclosed please find affidavit of Miss Beatrice Bavauda, who has property at Port Arthur which she desires protected. Would you please forward this affidavit to the proper Japanese authorities, and request of them due consideration for Miss Bavauda's claim. I think from the information given they will be able to locate Miss Bavauda's house, and as it is very probable that the house in which her effects were stored was not destroyed during the bombardment, her property is quite likely still intact. In this case, she would apply for its protection, and also for permission to take possession of the same as soon as possible.

It would be of assistance to me to know what steps you are taking in dealing with such claims, and also I should like to know your opinion as to the status of these claims.

I have the honor to be,

Sir,

Your obedient servant,

James W. Davidson,  
Vice Consul-General in charge.

enclosure No. 4 with Mr. Griscom's No. 207 of March 13, 1905.

Empire of China, )  
City of Shanghai ) SS.

BEATRICE BAVAUDA, an American citizen, temporarily residing at Shanghai, and formerly of Port Arthur, being duly sworn, says: That I resided in the New Town, Port Arthur, together with Jennette Charles in a house owned by a Chinese, Lu Wen Chen by name, on lot 102 opposite lot 92 on which stood a house owned by Ginsburg. Miss Jennette Charles, who is an American, paid half the expenses in furnishing the house, and is therefore an equal partner with me in the property there. This house possessed 17 rooms, all of which were completely and luxuriously furnished. Early in March 1904, the situation in Port Arthur, due to the attack made on the port by the Japanese, became so dangerous that we deemed it advisable to leave Port Arthur. Before doing so we moved our furniture and personal effects to the residence of a Russian, Sidorski by name, who lived in the New Town near the barracks of the Ninth Regiment. I have no inventory of these effects, but we paid for the furniture about 35,000 roubles, and we had <sup>a</sup>some insured for 30,000 roubles. In addition to this, my partner, Mrs. Jennette Charles, had silver articles and clothing amounting to 10,000 roubles in value, and jewellery amounting to 20,000 roubles in value, and I had clothing and furs to the value of 15,000 roubles. The jewellery was in an American Hall safe, and this safe together with our clothing and silver was removed with our furniture to the house of Sidorski mentioned above. Sidorski's residence was a double house, one part of which was unoccupied, and into the rooms of this part we placed the property above mentioned. Between the 1st and 9th of March - as to the exact date I am not certain - a Russian officer of the Municipal government was called to seal up that portion of the house in which our property was stored.

BEATRICE BAVAUDA

Subscribed and sworn before me this thirteenth day of  
February, 1905.

James W. Davidson

VICE CONSUL GENERAL IN CHARGE.

Enclosure No. 4 with Mr. Grison's No. 207 of March 13, 1905.

Empire of China, )  
City of Shanghai ) ss.

BEATRICE BAVAUDA, an American citizen, temporarily residing at Shanghai, and formerly of Port Arthur, being duly sworn, says: That I resided in the New Town, Port Arthur, together with Jennette Charles in a house owned by a Chinese, Lu Wen Chen by name, on lot 102 opposite lot 92 on which stood a house owned by Ginsburg. Miss Jennette Charles, who is an American, paid half the expenses in furnishing the house, and is therefore an equal partner with me in the property there. This house possessed 17 rooms, all of which were completely and luxuriously furnished. Early in March 1904, the situation in Port Arthur, due to the attack made on the port by the Japanese, became so dangerous that we deemed it advisable to leave Port Arthur. Before doing so we moved our furniture and personal effects to the residence of a Russian, Sidorski by name, who lived in the New Town near the barracks of the Ninth Regiment. I have no inventory of these effects, but we paid for the furniture about 35,000 roubles, and we had <sup>a</sup>some insured for 30,000 roubles. In addition to this, my partner, Mrs. Jennette Charles, had silver articles and clothing amounting to 10,000 roubles in value, and jewellery amounting to 20,000 roubles in value, and I had clothing and furs to the value of 15,000 roubles. The jewellery was in an American Hall safe, and this safe together with our clothing and silver was removed with our furniture to the house of Sidorski mentioned above. Sidorski's residence was a double house, one part of which was unoccupied, and into the rooms of this part we placed the property above mentioned. Between the 1st and 9th of March - as to the exact date I am not certain - a Russian officer of the Municipal government was called to seal up that portion of the house in which our property was stored.

BEATRICE BAVAUDA

Subscribed and sworn before me this thirteenth day of February, 1905.

James W. Davidson

VICE CONSUL GENERAL IN CHARGE.

EC

UNITED STATES LEGATION,  
TOKIO.

RECEIVED  
APR 4 1905  
BUREAU.

No. 208.

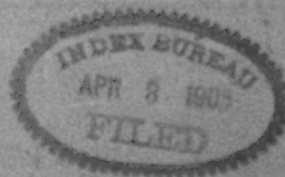
March 13, 1905.



*ackd.  
apr. 6  
[signature]*

MR. GRISCOM TO MR. HAY.

SUBJECT: Claim of Messrs. Clarkson & Company for property  
alleged to have been left at Port Arthur.



CHIEF CLERK,  
APR 3- 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 208

March 13, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

1  
2  
3 and 4  
I have the honor to transmit herewith copies of my note of the 3 instant to the Minister for Foreign Affairs, and of a letter to me, dated at Tokyo, March 1, 1905, from Mr. C. Nielsen with inventory and power of attorney, relating to certain property alleged to have been left at Port Arthur in April, 1904, by the American firm, Clarkson & Company.

The action of the Legation in this and similar cases is explained in my No. 206 of this date.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom*

ENCLOSURES:-copies:

1. Mr. Griscom to Baron Komura, March 3, 1905.
2. Mr. Nielsen to Mr. Griscom, March 1, 1905.
3. Inventory of property at Port Arthur.
4. Power of attorney from Clarkson & Company.

UNITED STATES LEGATION,  
TOKIO.

No. 208

March 13, 1905,

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

1  
2  
3 and 4

I have the honor to transmit herewith copies of my note of the 3 instant to the Minister for Foreign Affairs, and of a letter to me, dated at Tokyo, March 1, 1905, from Mr. C. Nielsen with inventory and power of attorney, relating to certain property alleged to have been left at Port Arthur in April, 1904, by the American firm, Clarkson & Company.

The action of the Legation in this and similar cases is explained in my No. 206 of this date.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

ENCLOSURES:-copies:

1. Mr. Griscom to Baron Komura, March 3, 1905.
2. Mr. Nielsen to Mr. Griscom, March 1, 1905.
3. Inventory of property at Port Arthur.
4. Power of attorney from Clarkson & Company.

(Enclosure No. / with Mr. Griscom's No. 2086f March 1905.)

COPY.

No. 122.

UNITED STATES LEGATION;

Tokio, March 3, 1905.

To His Excellency

Baron Komura Jutaro,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre:

I have the honor to transmit herewith for Your Excellency's consideration copy of a communication from Mr. Christian Nielsen, attorney for Messrs. Clarkson and Co., an American firm engaged in business in the Orient, enclosing certified copy of a statement of properties belonging to the said firm that were in Port Arthur on April 9/22, 1904, and requesting that all possible measures be taken by the Imperial Japanese Government for protection and restoration of the properties referred to.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Lloyd C. Griscom.

ENCLOSURE:-

Mr. Nielsen to Mr. Griscom, March 1, 1905, Copy and enclosures.

Enclosure N<sup>o</sup>. 2, with N<sup>o</sup>. G. 13 cons N<sup>o</sup>. 208 of March 13.  
1905

Copy.

Tokyo March 1, 1905.

To His Excellency

Lloyd Griscom,

American Minister to Japan.

Sir:

I have the honor to enclose herewith certified copies of properties belonging to Messrs. Clarkson and Co., an American firm, which were in Port Arthur on the 9/22 April, 1904/ together with my certified power of attorney as the legal representative of that company.

I would respectfully ask that Your Excellency be so good as to bring these statements to the attention of the Japanese Government, with the request that all possible measures be taken for the preservation and restoration of the said properties to the firm which I represent.

Very respectfully

sgd Chr. Nielsen

e/e Clarkson & Co.

2 Canton Road

Shanghai.

Enclosures:

Certified statement of properties with translation  
Power of attorney.

Enclosure No 3, with M. Griscornis No 208 of March  
13, 1905

Copy-- Translation.

Statement

of immoveable and moveable property and goods belonging to  
Messrs. Clarkson & Co., Port Arthur and stored in their godowns  
and premises.

In Godown behind Office Building.

16000 bags	Flour, -American	@ 2.80	28000.--
3031 cases	Soda	20.--	60620.--
85 "	ex SS Orono (contents unknown)		
195 bdls	Telegraph wire	30.--	5850.--
60 cases	Beer Schlitz	28.--	1680.--
14 "	Wine Riesling	10.--	840.--
40 "	Candles	20.--	800.--
100 "	White Paint dry	20.--	2000.--
1250 "	Cement	6.25	7812.50
450 "	Liquers	36.--	16200.--
55 "	Coffe		1320.--
1500 bags	Cement	3.00	4500.--
10 cases	Salmon canned	12.--	120.--
326 "	Bourgondier (Wine)	15.--	4890.--
185 "	Fuse Bickford	120.--	22200.--
3	Writing tables american	75.--	225.--
1 case	Incubatar		300.--
13 "	Tamataes	10.--	130.--
3 "	Medicine	200.--	600.--
3 "	Various goods	250.--	750.--
2 "	Marsala (wine)	15.--	30.--
2 "	Cognac	17.25	34.50
1 pckgs	Matraves		20.--
3 cases	Crockery	200.--	600.--
3 "	Soap	15.--	45.--
3 bales	Japanese carpets	500.--	1500.--
1 cask	do Salt Fish		12.50
1 "	Iron ware		70.--
4 cases	Tool steel	12.--	48.--
367 bars	" "	2.20	807.40
2 cases	Beer - Asahi	12.--	24.--
10 cases	Beer- Spatenbrou	17.50	175.--
30 cases	Condensed Milk	12.--	360.--
10 "	Champagne- Raederer	40.25	402.50
10 "	" - Cote Dior	40.25	402.50
10 "	Wine - St. Julien	12.--	120.--
2 Casks	Vinegar	60.--	120.--
1 "	Cognac	450.--	450.--
1 case	Paint		5.--
5 cases	Vermouth	18.50	92.50
5 cases	Wine - Macon	11.50	57.50
1 "	Tea		95.--
5 "	Cognac -Regor Freres	15.50	77.50
1 "	Lobster		32.70
1 "	Typewriter		375.--
10 "	Mineral Oil	10.50	105.--
4 "	Whiskey	16.--	64.--
12 "	Soap	32.--	384.--
5 "	Picklenoods	17.--	85.--
2 "	Piece Goods	1500.--	3000.--

1 trunk

Enclosure No 3, with N. L. Giscamis No 208 of March  
13, 1905

Copy-- Translation.


Statement

of immoveable and moveable property and goods belonging to  
Messrs. Clarkson & Co., Port Arthur and stored in their godowns  
and premises.

In Godown behind Office Building.

10000 bags	Flour, -American	@ 2.80	28000.--
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1250 "	Cement	6.25	7812.50
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55 "	Coffe		1320.--
1500 bags	Cement	3.00	4500.--
10 cases	Salmon canned	12.--	120.--
326 "	Bourgonder (Wine)	15.--	4890.--
185 "	Fuse Bickford	120.--	22200.--
3 "	Writing tables american	75.--	225.--
1 case	Incubatar		300.--
13 "	Tamataes	10.--	130.--
3 "	Medicine	200.--	600.--
3 "	Various goods	250.--	750.--
2 "	Marsala (wine)	15.--	30.--
2 "	Cognac	17.25	34.50
1 pckgs	Matraves		20.--
3 cases	Crockery	200.--	600.--
3 "	Soap	15.--	45.--
3 bales	Japanese carpets	500.--	1500.--
1 cask	do Salt Fish		12.50
1 "	Iron ware		70.--
4 cases	Tool steel	12.--	48.--
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2 cases	Beer - Asahi	12.--	24.--
10 cases	Beer- Spatenbrou	17.50	175.--
30 cases	Condensed Milk	12.--	360.--
10 "	Champagne- Raederer	40.25	402.50
10 "	" - Cute Dior	40.25	402.50
10 "	Wine - St. Julien	12.--	120.--
2 Casks	Vinegar	60.--	120.--
1 "	Cognac	450.--	450.--
1 case	Paint		5.--
5 cases	Vermouth	18.50	92.50
5 cases	Wine - Macon	11.50	57.50
1 "	Tea		95.--
5 "	Cognac -Regor Freres	15.50	77.50
1 "	Lobster		32.70
1 "	Typewriter		375.--
10 "	Mineral Oil	10.50	105.--
4 "	Whiskey	16.--	64.--
12 "	Soap	32.--	384.--
5 "	Pickles goods	1517.--	3085.--
2 "	Piece Goods	1500.--	3000.--

1 trunk

1	Trunk		10.--
1	W. C.- Patent		35.--
2 cases	pipes	@ 7.--	14.--
4 "	Crowbars	2.50	10.--
1	Trunk		15.--
5 "	Advertising matter	7.--	35.--
5 "	Private Effects		4200.--
280 "	Magnolia Metal	13.--	3640.--
1	Iron bedstead		150.--
1	Table		25.--
1 Casket	Private effects		960.--
2	Window sills	2.--	4.--
2 "	Private effects		2160.--
4 "	Piece Goods	450.--	1800.--
10 "	" "	300.--	3000.--
1	Japanese Music Box		10.--
4 doz.	Chairs	38.--	158.--
1	Buffet		128.--
1	Dinner table		65.--
1	do		20.--
2 W	Writing desks	50.--	1000.--
1	Night table		12.--
1	Japanese screen		90.--
2	Buffet	90.--	180.--
1	Lamp		30.--
6 cases	Electric Fans	75.--	450.--
1 case	Adv.		
1	Fuse		1200.--
1 parcel			
1 bale	Pressed Hay		12.--
6 cases	French Conserves	96.--	576.--
10 cases	Wines - Margaux	13.--	130.))
1 case	Address		120.--
1 case	Enamelled ware		4.--
2 "	Fuse - Bickford	120.--	240.--
1	Private effects		480.--
4 cases	Electrical appurtenances @ 75.-		300.--
1 trunk	Private effects		60.--
6 cases	Oil	85.--	510.--
100	Empty bags		5.25
3 cases	Glass	25.--	75.--
1 case	Zinc screens		15.--
1 "	Pipes		30.--
1 "	Pastete fois gras		96.--
5 "	Cognac	22.--	110.--
11 "	Wine -Chateau Kirnan	21.--	231.--
20 "	Wine -different kinds	18.50	370.--
1	Bicycle		125.--
5 "	Tea	200.--	1000.--
28 "	Fuse - Bickford	120.--	3360.--
5 bales	Empty bags	5.-	25.--
50 pcs	do do	.25	12.50
300 bags	Cement	3.-	900.--
1 case	Looking glasses		450.--
2 "	Champagne	35.-	70.--
1 "	Pictures		200.--
1 case	Stationery		300.--
4 "	Condensed	12.-	48.--
18 "	Detonators	350.--	6300.--
5 "	Private effects		3420.--
1 "	Pipes - au Iramrel		24
6 "	Candles -chinese	20.--	120.--
12. bales	Japanese piece goods	125.--	1500.--
8 cases	Hoops	9.-	72.--
1 "	Collars		200.--
1 "			
1 "	Cheese	contents unknown	90.70

3 Cases	Rackets	@ 75.--	225.--
1 "	<del>333</del> <del>334</del> 3735 Port Arthur 129 Ko		
8 cases	Stationery -American	250.--	2000.--
3 trunks-	18 pieces- private effects @	120.--	2160.--
1	Japanese umbrella		7.--
1	" lamp		10.--
1	Chair		6.--
14 cases	Japanese goods	250.--	3500.--
1 "	Carriage seat		30.--
1 "	" axles		125.--
1	Iron bed-stead		10.--
1	Umbrella		3.--
1	Parcel(addressed)		
1	do do		
1	Wardrobe		80.
1	W. C.		15.--
1	Zinc pipe		10.--
✓ 107 "	Crystal Glass ware	250.--	1750.--
40 "	Benedictine liquer	36.--	1440.--
40 "	Abericontine "	30.--	1440.--
1 "	Private effects		960.--
13 cases	Sewing machines	30.	390.--
1 "	Books etc		50.--
3 "	Baby food	12.--	36.--
14 "	Detonators	3.50	4900.--
1 "	Private effects		360.--
16 "	Detonators	500.-	8000.--
281 "	Rackarock		13909.50
30 rolls	Linoleum	60.-	1800.--
50 "	Candles	20.	1000.--
1 "	Kitchen utensils		25.--
3 "	Hooks (brackets)	5.--	15.--
3 "	Lamps	10.--	30.--
20 bales	Japanese papers	20.	400.--
61 "	do piece goods	100	6100.--
4 "	Waste	75.	300.--
13 coils	Manila rope	15.-	175.--
1 coil	do do		15?--
4 "	Carpenter tools	125.-	500.--
1 "	Ink		100.--
1 cask	Paint		150.--
1	Soda		40.-
12 cases	Sugar	4.-	240.--
8 bales	Wheat		57.60
1 cask	Paint -dry		45.--
1 case- 4	rolls- Linoleum	60.--	240.--
10 cases	Perfumery goods	340.-	3400.--
2 "	Electrical batteries	180.--	360.--
1 "	Piece goods		320.--
1 "	Books		250.--
10 "	Photographic plates	200.-	2000.--
1 case	<del>333</del> Address. Contents unknown		
1 cask	<del>333</del> ex SS Tairen Marx do		
1 case	<del>333</del> do		
1 parcel	Anton Nielsen do		
1 trunk	private effects		120.--
4	Oil stoves	35.	140.--
30 ?	Conserves	.75	22.50
1 case	Belting and steel brushes		500.-
30 "	English conserves	53.	1590.--
1 "	Electrical machine etc.,		3750.--
1 "	( <del>333</del> ) contents unknown.		
1	Iron bedstead		10.--
1	Japanese piece goods		300.--
1	do iron goods		600.--
1	Advertising matter		8.--
2	Condensed Milk	12.--	24.--

2 cases	Contents unknown		
1 "	Thermasik goods		1050.--
1 "	Shirts and Collars		250.--
210 "	Beer - Pabst	25.--	5250.--
15 "	Gypsum	10.--	450.--
1 "	Forms for Rackarock		10.--
10 "	Hirano water	5.-	50.--
12 "	Stationery	150.--	1800.--
2 "	Japanese pickles	15	30.--
1 bale	Blower (big)		1500.--
1 bag	Lead plumb		5.--
4 cases	Sewing Machines	35.--	140.--
1 "	Zinc nails and nuts		15.--
1 tin	Tea		30.--
1 case	contents unknown		
25	Hams	10.	250.--
1 roll	Drawings		
2 "	Japanese mats	180.	360.--
1 "	English saddle		80.--
1 case	Port Arthur	50	Contents unknown
1 "	Address	do	
1 "	do	do	
1 "	East Asiatic Co.	do	
1 "	A H 1000 Port Arthur Panzersshield		
1 bdl	S C R do red wood		
15000	Fireproof bricks I	90.	1350.--
5000	do do II	80.-	400.--
5000	do do III	50.--	250.--
1	Hay press		2000.--
5 cases	Paint oil	12.	600.--
2 "	Wine		180.-
81 "	Liquers	25.	2025.-
2 "	Table salt	12	24.-
90 "	Engine oil	8.	720.-
10 casks	Bolts and nuts	50.	500.
1 plate	Marble		80.
6 pairs	Doors	55.-	330.--
110 "	Liquers	20.	2200.--
96 "	Cognac	25.	2400.-
2 "	Scales	150.	300.-
1 "	Pools for Carriages		10.-
1 "	Liquor		25.-
1 "	Toothpicks		3.-
2 casks	Soda	25.-	50.-
1 case	Figs		10.-
1 "	Liquor		25.-
2 "	Engine oil	8.-	16.--
4 "	Dates	10.-	40.-
3 "	Wines	18.-	54.--
2 "	Liquors	50.-	100.-
4 casks	Syrup	20.-	80.-
2 casks	Soda		48.-
1	Bedstead and Madras		50.-
1 roll	Linoleum oilcloth		125.-
1	Madras		20/-
1	Door		45.-
20 cases	Forms for Rackarock	5.-	100.-
20 pcs	Tarpaulins	80.-	1600.-
96 cases	Nitrobenzol	55.-	5280.-
46 "	Liquors	40.	1840.-
20 "	Wheat	22.-	440.-
24 "	French Liquers	30.-	720.-
5 "	Benedictines	25.-	125.--
2000 pood.	Sheet iron	2.-	4000.-
56 bars	Tool steel	17.-	672.-
35 cases	Tansan water	4.-	140.-
9000	Fireproof bricks	100.-	900.-
15000	do do	115.-	1725.-
1 c	Castiron plate		15.-
25 demijohn	do	25.	625.--

20 poods	Cast iron	2.-	40.-
2 cases 44	Steel bars	4.-	176.-
1	Oil stove		30.-
280 pood.	Asphalt	3.-	840.-
1 case	Sewing machines		50.-
8 "	Engine oil	8.-	64.-
135 feet	Rails	.50	67.50
1264 "	Pipes 1-3/4	1.15	1453.60
710 "	Steel 1-1/2 x 1/4	.50	355.-
600 "	Pipes 3/4	.80	480.-
40 pc	T beams 5"	25.-	1000.-
2 "	Beams for Barges	60.-	120.-
9 cases	Glass	50.-	450.-
36 foot	Gas pipes 4 "	2.80	100.-
15 pcs	Cast iron pipe 6 "	1.30	19.50✓
15 pcs	Knees 5 "	5.-	75.-
15 "	do 4 "	4.-	60.-
5 "	do 3-1/2 "	3.50	17.50✓
25 "	edo Zinc 3 "	3.50	87.50
60 "	Steel knees 5-1/2 "	51.-	3060.-
57 "	do do 4-1/2 "	42.50	2422.50
60 foot	Rails 3 "	.50	30.-
40 pcs	Pipes 8-1/4 "	3.-	120.-
1 cask 20 poods	Gas pipe fittings	15.-	300.-
140 ffoot	do 1-3/4	.80	112.-✓
1 pump with pipes	2 "		45.-
10 casks	Herrings	8.-	80.-
80 casks (1440 ft)	Steel pipes, 4-1/2 @2.75		3960.-
44 "	(772 ft) do 5"	3.-	2376.-
40 "	(720 ft) do 3"	2.20	1584.-
70 "	(1260 ft) do 2-1/4"		2079.05
153 "	(3060 ft) Galvanized pipe 5"	2.-	6120.-
2	Water carts	60.-	120.-
70 pcs	Iron Angle	.20	224.-
4 "	Steel 2-1/2 x 2/8 "	12.-	48.-
26 cases	Cognac	20.-	520.-
45 casks	Beer - German	20.-	900.)
12 cases	Matches	25.-	350.-
1	Scale		150.-
6 cases	Liquers	30.-	180.-
2	Cast iron plates for ranges	12.-	24.-✓
3 cases (600 poods)	Anker chain	4.-	2400.-
1 pce	T beam 9 "		60.-
1	Horsebox		25.-
2	Steam boilers	300.-	600.-
2	Angle iron 6 "	9.-	18.-
2	Cast iron wheels	10.-	20.-
1	Pulley Foot diam		350.-
2	do with transmissions 2'6"x41/2"	75.-	150.-
1	pipe Enamelled		30.-
11	Water Pipes galvanized	1.20	13.20
1	Engine for Sawmill		700.-
1000 pood.	Cakes	.50	500.-
95 piec. 1520	Foot Steel Pipe 1 3/4	1.-	1520.-
504000	laths	10.-	5040.-
43 cases	Ligners	35.-	1505.-
1	Anker		40.-
34 680	Foot Pipes 4"	2.-	1360.-
120 2400	" do 3 1/2"	1.80	4320.-
145 900	" do galvanized 3"	1.50	1350.-
120 2400	" do do 3	1.50	3600.-
1 case	for a Boiler		250.-
n 3 "	Window Glass 16 x 18	40.-	120.-
24 casks	Part wine	75.-	1800.-
2 "	do do	150.-	300.-
2	Carts	25.-	50.-
2 cars.	Steel square 4 1/2"	80.-	160.-

✓	4	bars.	Steel square	4"	65.--	260.--
	10		Tarpaulins		125.--	1250.--
	1	"	Steel square	3 1/2"		50.--
	2	"	do round	4 1/2"	80.--	160.--
	3	"	do do	3 1/2"	50.--	150.--
	1	"	do do	3"	40.--	40.--
	1	"	Steel Dill	4 1/2"		100.--

✓	4	bars.	Steel square	4"	65.--	260.--
	10		Tarpaulins		125.--	1250.--
	1	"	Steel square	3 1/2"		50.--
	2	"	do round	4 1/2"	80.--	160.--
	3	"	do do	3 1/2"	50.--	150.--
	1	"	do do	3"	40.--	40.--
	1	"	Steel Dill	4 1/2"		100.--

## Goods lying in the open in front of Ginsburgs Godown

250 pieces	Pipes Earthern 4" x 6"	2.--	
1	Waggon Axle		15.--
100 cases	Medicine Battles	10.--	1000.--
27 casks	Part Wine each 50 gallon	250.--	6750.--
1	Engine		500.--
1	Waggon		20.--
150 bdl.	Chinese Char Coal	20.--	3000.--
1	Harsestalele		50.--
1 case	Contents unknown weight 66gls		
11 "	Screw Tacks	200.--	2200.--
8 "	R K	Contents unknown	
60 "	Hams	48.--	2880.--
1 "	Contents unknown		
2 "	do do		
82 cask	Cement	7.--	574.--
250 pood	Asphalt	4.--	1000.--
2 cases	Paper Caxes	250.--	500.--
35 pies	Tarpualins	175.--	6125.--
29 cases	Chairs each 12 doz.	480.--	13920.--
10 "	Window Glass	120.--	1200.--
1 "	Accid		40.--
29 "	T Ct To Contents unknown		
1 "	Engines		300.--
1 "	F.T To 1246 2x1 Kilo	unknown	
32 casks	do		
16 cases	do		
15 "	Stones	80.--	1200.--
1144 bags	Flour	2.80	3203.20 ✓
11 cases	polish	120.--	1320.--
2 "	Ladies fancy cloth	750.--	1500.--
5 "	Asbestos	60.--	300.--
8 "	Enamaled Fin ware	50.--	400.--
8 "	Oil (eating oil)	40.--	320.--
7 cases	Gelatine	16.--	112.--
2 "	Ladies Articles	400.--	800.--
1 "	Machine		350.00
7 casks	Part wine a 60 gallon	360.--	2520.--
1 case	Contents unknown		
1 bale 50 poods	Leather		500.--
2 cases	Ranges	50.--	100.--
92 "	American conserves	20.--	1840.--
1 cask	Vinegar		60.--
3 cases	Galanteri Goods	500.--	1500.--
19 "	Piece Goods	250.--	4750.-- ✓
1 "	Engine		1000.--
15 "	Glue	40.--	600.--
1 bale	Carpets		300.--
5 casks	Earthen goods	450.--	2250.--
1 "	Pianino		400.--
1 cask	Cabbage		80.--
1 pied	Fly wheel 8"6" x 18"		1500.--
34 cases	Machinery	350.--	11900.--
50 bales	Gunny bags	15.--	750.--
6 pies.	Enamaled Pipe	10.--	60.--
80 casks	Cement	6.50	520.--
1	Anker Chain)		
1	Anker )		
300 bales	Paper	6.--	3000.--
400	Beams wood 6"x 6" x 21		1800.--
465	Deck Planks "	3.--	807.20
3	Big Beams	75.--	225.--
100 casks	Beer Pabst ✓	30.--	3000.--
20 cases	American Conserves	20.--	500.--

## Goods and Inventory in Office building

2	Fire Proof Safes	250.--	500.--
2	do do	60.--	120.--
2	American Writing Desks	200.--	400.--
2	do	75.--	150.--
9	Writing Tables	50.--	450.--
2	do do	50.--	100.--
4	Samples Drawn American	250.--	1000.--
6	Book Shelves	20.--	120.--
6	do do big ones	80.--	480.--
5	Typewriters	250.--	1250.--
3	Revolving Chairs	15.--	45.--
5	Common Chairs	8.--	40.--
6	do do	4.--	24.--
12	do do		30.--
	Watches, and other furniture		
	Stationery - - in all for		2000.--
	Office Building and Godown		10000.--

## In New Chinese Town

	One Brick built Godown		10000.--
24600 bags	Flour	2.80	68880.--
29 cases	Wines	20.--	580.--
125 "	Beer	15.--	1875.--
84 "	Tansan Water	4.--	336.--
1	Writing Desk		25.--
1	" " Chair		10.--

## Property on Brick Factory Side

1	Locomotive Boiler	35 HP	10000.--
1	Steam Engine	35 HP	11000.--
1	Steam Pump		300.--
	Brick Press		3000.--
7	Leather Belting		280.--
1	Drying Stove		60.--
74 sheet	Corrugated iron with		35.--
1	Chain iron		15.--
1	Teeths for Machines		18.--
33 pies	Pick Axes		15.--
8 "	do do new		8.--
6	Shovels		6.--
24	do		36.--
24	do bent		15.--
20	do straight		20.--
19	Scales common		10.--10.--
17	Baskets		17.--
6	Drills		9.--
1	Crow Bar		3.--
12	Coal Shovels		18.--
12	do do		12.--
37	Forms for firming bricks		20.--
18	Pakauka (Rackarach)		3.--
8 rings	Fuse		24.--
1 1/2 box	Detonatars		2.--
6 rings	Fuse		1.08
3	Tackles	1.50	4.50
3 pkg	Nails 6"		4.50 4.50
10 "	do 3"		20.--
4 "	do 1 1/2"		10.--
5 "	do 2"		8.--
6 pics	Rope		7.20
1 tin	Lubricating Fatt.		1.--
3	Hammers		4.50
1	Scraper		.50
1 sheet	Boiler Iron		2.80
20 pair	Wheels for Decaville Ry		200.--
1750 foot	Rails with Nails		875.--
1	Scale with weights		200.--
1	Hammer		.60
3	Vices		14.50
1	do		4.50
1	Anvil		15.--
16	water pipes 2"		112.--
55	Brick carts		165.--
2	Ash carts		7.--
1	Stock and dies		2.--
5 pair	Dies extra		7.50
1	Gass wrench		6.70
3	do for Nuts		6.75
3	do 8		4.50
1	Table		.75
2	Saws cross cut		4.--
1	do for metall		1.00
2 tin	Polish Lague		2.--
1	Manometer		15.--
3	Water Gauges		3.--
1 piece	Rubber		1.50
1 "	Abestas		.50
1	Injector		3.--

1	Whistle	2.50
1	Safety valve	3.--
1	Belting	.50
1	Letter Press (copy)	18.--
200	Boards 1"x 8" 20'	240.--
40	do	30.--
7000	Pilet for Bricks	3500.--
27000	Bricks	405.--
200000	Bricks	3000.--
50 ton	Coal	500.--
40	Doors, Cast Iron	220.--
40	do Wrought Iron	180.--
1	Stove, piping	10.--

## Afloat in Bay and Port (Navy Department)

32	Barges	200.--	64000.--
22	Steam launches		25000.--
10	Barges (bought)		20000.--

## New European Town

	One Dwelling House, Two storied, Brick built, without furniture	30000.--
4000 tons	Coal per ton	10.--
250000	Laths pr 1000	10.--
	Inventory in Dwelling House	
	Furniture, Steam heating plant etc.	15000.--
	One Complete Well Boring Outfit erected and in use	25000.--

Sites of Land A title deeds of which are in the Safe  
at Port Arthur.

Out of alone specified goods there has been delivered  
on various orders up to the 9/22 April 1904.

229 bags	Flour
7 tons	Coal
5 cases	Liguers
277 pood	Telegraph wire
2 tons	Coke
86 cases	Nitrobenzole
78 casks	Beer <i>pabst</i>
77 cases	do Gambrinus
2 "	Champagne
661 "	Hirano water
2400 foot	Fuse - Bickford
1700	Detonators
3 tin	Nitrobenzole
(signed)	Attorney for Clarkson & Co Nikolai Nikolaevich Seirogousaff

1904 9/22 April all the above mentioned goods and  
property has been found correct in full

(signed) Secretary of Police 1st Division of  
Port Arthur (Name unreadable)

Above statement is given by the Port Arthur Police in Chief  
to Mr. Nikolai Nikolaevich Seirogousaff the 10/23 April 1904  
in all ten sheet have been duly sealed and bound

Assistant Police Master

Captain - - -

Secretary - - -

*Enclosure No. 4, with Mr. Giosani's No. 208 of March 13, 1905*

COPY.

TRANSLATION OF CLARKSON & CO'S RUSSIAN POWER OF  
ATTORNEY.

To CHRISTIAN IVANOVICH NIELSON.

I authorize you in the current year 1905, according to your own judgment without restriction:

I.- To manage all my moveable and immovable property at present belonging to me, as well as that belonging to me in the future in Russia as well as in foreign countries; to make lease of same and to collect revenues and rents of all kinds with the right to engage and discharge workmen and clerks.

II.- To manage without exception all my business, to invest money and obtain the right to trade; engage and discharge workmen and clerks, to rent all sorts of apartments, buy and sell goods and materials; to accept from the government and from public and private institutions all kinds of contracts and supplies, though the term of fulfillment exceeds the term of this present Power of Attorney, to fulfil such and to receive back rejected materials and goods.

III.- To execute all commission business as Power of Attorneys given to me by others with all my rights and obligations.

IV.- To receive from the Imperial and all private banks and institutions money transferred by telegram.

V.- To receive from the Post Office all correspondence and money transfers arriving to my address.

VI.- To receive and to forward all kinds of goods and articles from Railroads, from forwarding agencies, from quays, and from contractors.

VII.- To receive money on transfers and from Promissory notes from Railroads, forwarding agents, and or from contractors.

VIII.- To receive from the Custom House goods arriving to my address from foreign countries to pay the duty on same and observe customs formalities.

IX.- To mortgage and sell property belonging to me, and to buy all sorts of immovable property in the Russian Empire and in foreign countries from private persons as well as by public auction, to free from mortgage as well as to transfer to me debts on account of same in Banks and credit institutions.

X.- By aforesaid authority to fulfil, conclude and terminate all kinds of conditions, contracts and agreements, to receive and to pay penalties, to purchase title deeds of possession and mortgage deeds, sale notes and all kinds of title deeds of possession, to pledge obligations, issue promissory notes and by signature to discount promissory notes and to sign promissory notes in blank and transferrable.

XI.- To receive from everywhere without exception all description of money, capitals, loans and mortgages, which I have to receive, observing all formalities, and everywhere to sign for me.

XII.- To negotiate all business imposed upon you in relation to commissions, to present actions and complaints against all descriptions of fraud and to respond to such in all local places of justice, in courts, and to present to the proper functionary and chief person, petitions, declarations, announcements, and all kinds of papers - to be present in court, to listen to judgment and declare satisfaction or dissatisfaction, to lodge private complaints of appeal and to appeal to

court of execution, to negotiate for reversal of decisions which have taken lawful force, and to petition to have decision executed, and to be present at the final execution, also to be present at inventory, confiscation, taxation or sale of property and estates of my debtors, to hold such for me and to execute thereon all kinds of deeds, to participate in commission of bankruptcy and administration, regarding all rights belonging to me, to produce and to receive everywhere all description of documents, copies, informations, executions, papers and money and property adjudged to me and to terminate affairs amicably.

Full power as stated in this Power of Attorney, as a whole and in part you can transfer to another person with the right of further transfer by them.

In all the above as expressed I trust you, and what you or your trustees, on the strength of this, lawfully undertake, I shall not disallow.

This power of attorney is given to the Danish subject Christian Ivanovich Nielsen.

Fortress Vladivostok December 11th 1904.

(signed) Mercantile firm Clarkson & Co.

One thousand nine hundred and four, December the 11th day, this Power of Attorney was presented before me, Alexander Leonidovich Hoss de Calhe Notary public at Vladivostok, in my office situated on the Shajet-lankaja street in block and house Galitskys, by the mercantile firm of Clarkson & Co., represented by Company, disposer David Clarkson living in Vladivostok, and acting on the strength of the Company's agreement, and personally known to me and having lawful right to accomplish deeds - and I the notary public hereby testify that this Power of Attorney is with his own hand

signed by Clarkson and is hereby made known. 137th paragraph notarial position entered in register No. 5354.

Hans de Calhe, Notary Public.

I hereby certify this to be a correct translation of the original Russian Power of Attorney.

Signed: James W. Davidson  
(SEAL)

VICE CONSUL GENERAL FOR THE U.S.A.

IN CHARGE.

SHANGHAI, January 26th 1905.

右ハ上海駐在米合衆國副総領事ダビソン氏ノ  
グビントス氏ノ自署ニ相違ナキコトヲ証明ス

明治三十八年一月二十六日

在上海

総領事 小田印万壽之助

[Note. - The above endorsement in Japanese characters is the certification of Mr. Davidson's signature by Mr. Udagiri, Japanese Consul General at Shanghai.]

DIPLOMATIC  
JUN 21 1905  
BUREAU.

UNITED STATES LEGATION,  
TOKIO.

*Send copy to Post  
ack file*

Secretary of State,  
JUN 21 1905

No. 209.

Confidential.

ASSISTANT SECRETARY,  
JUN 21 1905

March 13, 1905.

INDEX BUREAU  
REC'D.  
APR  
3  
1905  
DEPT. OF STATE

*True*

*Mrs*

Mr. Griscom to Mr. Hay.

*Ack'd  
to Sec to  
June 22*

SUBJECT: Confirming an exchange of telegrams on the subject of the possibility of peace following upon the battle of Mukden. - The attitude of the President with regard to mediation is well understood by the Japanese Government.

INDEX BUREAU  
JUN 23 1905  
FILED

UNITED STATES LEGATION,  
TOKIO.

No 209.

Confidential.

March 13, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to confirm an exchange of telegrams, copies of which are appended hereto on the overleaf, between this Legation and the Department in relation to the possibility of peace following upon the recent military successes of the Japanese Army.

In further explanation of the telegrams I have the honor to report that on the 8th instant while present at a dinner given in honor of Major General MacArthur by General Terauchi, the Japanese Minister of War, the latter, without any suggestion on my part, broached the subject of the possibility of peace. He asked me quite seriously to convey to the President his opinion that the time had come when the war should cease and that he was quite ready to stop fighting. He said if the war be pursued further it can only become more and more murderous. In conclusion he asked that I make it clear to the President that this was his opinion not as Minister of War, but as Seiki Terauchi, a private individual. Major General Murata, of the Japanese General Staff, served as interpreter and for accuracy I asked General Terauchi to repeat the message.

The following day I had a private conversation with Mr. Denison, the American Adviser to the Foreign Office, and I related to him my interview with General Terauchi. He at once requested me not to telegraph the message

Telegram sent.

Secstate, Washington.

March 9, 12 midnight. Confidential. I asked the Minister for Foreign Affairs to-day if in view of military successes he would give me an idea of the conditions on which Japan would make peace (period). After consulting the Prime Minister he replied Japan must be careful not to seem desirous to end the war but he could say that they desired to secure the same ends for which the war was begun and if successful would demand no severe conditions. They have of course formulated conditions and would make them known to the President when assured that the enquiry comes from Russia and satisfied that a Government or party exists in Russia ready and competent to make peace. He added that he had no reason to suppose that this was the case now.

Griscom.

Telegram sent.

Secstate, Washington.

March 10, 12 noon. I am assured personally and confidentially by the American Adviser of the Japanese Foreign Office that if the Japanese Government can possibly arrange it when the moment arrives the President will be asked to act as peace maker.

Griscom.

Telegram received.

Griscom, Tokio.

March 11, 1 P.M. Confidential. Your 9th and 10th March (period). It would give the President great gratification to be of service in a matter of such import

message to the President saying that he felt confident General Terauchi had acted without the knowledge of his colleagues in the Cabinet and that if Baron Komura, the Minister for Foreign Affairs, or Count Katsura, the Premier, learned what had been said they would be extremely offended and serious differences would arise. He asked me in the interests of harmony to treat the matter as a purely personal after-dinner conversation, and if necessary to report it to do so by letter only.

Mr. Denison is always so thoroughly well informed and his opinion so valuable that I consented not to telegraph, but I stated that as it was my obvious duty to keep you posted I must ascertain positively if there was any serious motive underlying the message of General Terauchi. Mr. Denison suggested that this could be done by my speaking to Baron Komura without mentioning the interview with the Minister of War.

On the following evening, March 9th, the Prime Minister entertained me at dinner and as Baron Komura was present it offered an opportunity to broach the subject. After dinner the conversation turned naturally to the possibility of peace and I said to Baron Komura that as I wished to keep my Government informed at all times of the disposition of the Government of Japan, and as the recent military successes of the Japanese Army had made the whole question of peace acute, I would be glad if he would express his ideas on the subject.

called

Baron Komura, Count Katsura into the conversation and, after a moment of consultation with him, replied that his Government must be very careful not to appear anxious to end the war but he could say that they desired to secure the same ends for which the war was begun, and if  
successful

ance to the world but you will make it clear to the Japanese Government that he is not offering his services and that if any other agency should seem more practicable and appropriate he hopes it will be chosen.

John Hay.

Telegram sent.

Secstate, Washington .

March 12, 5 P.M. In the conversation reported March 9th which occurred informally at dinner I made it clear to the Minister for Foreign Affairs that my enquiry was prompted solely by the desire to keep you informed of the situation here and was made without your knowledge. I have received from him to-day a verbal assurance that his understanding of the position of the President is precisely as set forth in your telegram of the 11th instant. He added that the Japanese Government would pursue the war without inviting mediation.

Griscom.

successful would demand no immoderate conditions. Their terms were, of course, formulated, and he would make them known to the President when assured that the enquiry came from Russia and when he was satisfied that a Government or party existed in Russia ready and competent to make peace. He added that he watched the situation carefully and had no reason to suppose that these conditions were fulfilled now. He then proceeded to a general review of the situation in Russia and his conclusions were that peace was still distant. He thought that the present battle was a step towards peace but he considered the elimination of the Russian Baltic Fleet by either its return to Russia or its destruction, was another essential step before peace could be assured.

This conversation seemed to me of sufficient importance to necessitate my telegraphing it to you and I therefore did so the same evening.

During the following day I had a further conversation with Mr. Denison and in the course of it he volunteered the information that the Japanese Government hoped if there was to be any mediator it would be President Roosevelt. He made this more emphatic by stating that he felt sure when the moment arrived if it could possibly be arranged the Japanese Government would call upon the President to act as peace maker.

Knowing that Mr. Denison is too well posted to be mistaken in such a matter I concluded you ought to be informed at once of this disposition of the Japanese Government. I therefore telegraphed you the information on the 10th instant, feeling confident you would understand the personal and very confidential nature of Mr. Denison's remarks.

From your telegram of the 11th instant I judged that

that the President might entertain some doubt whether or not I had given the Japanese Government the impression that he was possibly desirous of acting as mediator and whether or not my conversation might be construed by them as indirectly putting him forward in that capacity.

Although I felt confident that no misapprehension existed, I deemed it advisable in view of your telegram to informally make known to Baron Komura the exact position of the President. I therefore called upon him and told him of the contents of your telegram. He assured me he understood the President's position perfectly. At the same time he expressed himself as highly appreciative of the President's willingness to act for the best interests of humanity if the necessity presented itself. He added that the Japanese Government would pursue the war vigorously without inviting mediation and he implied very strongly that any movement to bring about peace must come from Russia.

The substance of this interview I telegraphed you on the 12th instant and I added a few words of further explanation of the conversation held by me with Baron Komura on the 9th instant.

At the moment of present writing the full details of the battle of Mukden are awaited with great interest but I see no signs that the Japanese officials or people are over hopeful that it will bring about immediate peace.

I have the honor to be,

Sir,

Your obedient servant.

*Lloyd Garrison.*

ASSISTANT SECRETARY,

APR 4 1905

UNITED STATES LEGATION,  
TOKIO.

No. 210.

EXPLD T.O

APR 5 1905

March 14, 1905.

BUREAU.



*ack. recd. Komura's answer*

MR. GRISCOM TO MR. HAY.

*ackd. apl. b. [signature]*

FOR RELS. 1905.

Subject:- Transmitting Baron Komura's reply to the circular telegram addressed to several powers by the United States on the subject of relations with China.

CHIEF CLERK,  
APR 3- 1905  
Department of State.



UNITED STATES LEGATION,  
TOKIO.

No. 240.

March 14, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to your instruction No. 96, of January 13th, last, and to this Legation's No. 194, of November 14th ultimo, I have the honor to transmit to you herewith enclosed a copy of a note received this day from the Japanese Minister for Foreign Affairs, wherein he acknowledges receipt of the printed copy of your circular telegram disclaiming on the part of the American Government any thought of reserved territorial rights or control in the Chinese Empire.

Baron Komura requests me to convey to you an expression of his sincere thanks for your courtesy in acquainting him with the substance of your highly important circular telegram, and to assure you at the same time that the attitude assumed at the outbreak of hostilities, regarding the integrity of China and the maintenance therein of the principle of equal opportunity for all, has undergone no change whatever.

I have the honor to be,

Sir,

Your obedient servant.

*Lloyd C. Griscom.*

Enclosure: Baron Komura to Mr. Griscom, March 14, 1905.

Enclosure with Mr. Griscom's No. 210 of March 14, 1905.

Translation No. 14

Department of Foreign Affairs,  
Tokio, March 14, 1905.

His Excellency

Lloyd C. Griscom,

etc. etc. etc.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's Note of the 23rd ultimo, in which, in pursuance of instructions from your Government, you enclosed for my information, a copy of a print of a circular telegram which the Honourable the Secretary of State addressed to the American Representatives to Germany, Austria, Belgium, France, Great Britain, Italy and Portugal, by which any thought of reserved territorial rights or control in the Chinese Empire by the United States, was disclaimed.

I beg that you will be good enough to convey to the Honourable Mr. Hay an expression of my sincere thanks for his courtesy in acquainting me with the substance of his highly important circular telegram, and to assure him at the same time that the attitude assumed by the Imperial Government at the outbreak of hostilities, regarding the integrity of China and the maintenance therein of the principle of equal opportunity for all, has undergone no change whatever.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Signed : Baron Komura Jutaro,  
Minister for Foreign Affairs.

Enclosure with Mr. Griscom's No. 210 of March 14, 1905.

Translation No. 14

Department of Foreign Affairs,  
Tokio, March 14, 1905.

His Excellency

Lloyd C. Griscom,

etc. etc. etc.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's Note of the 23rd ultimo, in which, in pursuance of instructions from your Government, you enclosed for my information, a copy of a print of a circular telegram which the Honourable the Secretary of State addressed to the American Representatives to Germany, Austria, Belgium, France, Great Britain, Italy and Portugal, by which any thought of reserved territorial rights or control in the Chinese Empire by the United States, was disclaimed.

I beg that you will be good enough to convey to the Honourable Mr. Hay an expression of my sincere thanks for his courtesy in acquainting me with the substance of his highly important circular telegram, and to assure him at the same time that the attitude assumed by the Imperial Government at the outbreak of hostilities, regarding the integrity of China and the maintenance therein of the principle of equal opportunity for all, has undergone no change whatever.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Signed : Baron Komura Jutaro,  
Minister for Foreign Affairs.

UNITED STATES LEGATION,  
TOKIO.

ASSISTANT SECRETARY,

APR 4 1905

No. 211.

DIPL~~OMATIC~~

APR 5 1905

BUREAU

March 14, 1905.



MR. GRISCOM TO MR. HAY.

FOR RELS. 1905.

Subject:- China's neutrality. Baron Komura's reply concerning the charges made by Russia.

CHIEF CLERK,  
APR 3- 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 211.

March 14, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to your unnumbered dispatch of January 26th, last, and to this Legation's No. 195 of the 24th ultimo, I have the honor to transmit to you herewith enclosed a copy of a note received this day from the Japanese Minister for Foreign Affairs wherein he acknowledges the receipt of a printed copy of recent correspondence between the American Government and the Governments of Russia and China, concerning the observance of neutrality by China in the present war.

Baron Komura states that his Government has had occasion to present to you, through their representative at Washington, a statement in refutation of the Russian charges, so far as these charges reflect on the action of Japan, and it, therefore, only remains for them in that connection at this time, to confirm the entire accuracy of that statement.

Baron Komura also asks me to convey to you an expression of his high appreciation of your courtesy in placing him in possession of the correspondence in its complete form.

I have the honor to be,

Sir,

Your obedient servant.

*L. G. Griscom.*

Enclosure: Baron Komura to Mr. Griscom, March 14, 1905.

Enclosure with Mr. Griscom's No. 244 of March 14, 1905.

Translation No. 15

Department of Foreign Affairs,  
Tokio, March 14, 1905.

His Excellency

Lloyd C. Griscom,

etc. etc. etc.

Monsieur le Ministre,

I have had the honour to receive Your Excellency's Note of the 23rd ultimo, enclosing for my information, in pursuance of instructions from your Government, copy of a print of a recent correspondence that passed between the American Government and the Governments of Russia and China, concerning the observance of neutrality by China in the present war.

The Imperial Government, as Your Excellency is aware, have already had occasion to present to the Honourable the Secretary of State, through their Representative in Washington, a statement in refutation of the Russian charges, so far as those charges reflected on the action of Japan, and it, therefore, only remains for them in that connection at this time, to confirm the entire accuracy of that statement.

In requesting you to convey to the Honourable Mr. Hay an expression of my high appreciation of his courtesy in placing me in possession of the correspondence in its completer form, I beg to renew to you, Monsieur le Ministre, the assurances of my highest consideration.

Signed : Baron Komura Jutaro,  
Minister for Foreign Affairs.

RC  
MAR 15 1905

TELEGRAM RECEIVED IN CIPHER.

DIPL. SECRET

MAR 15 1905

To War Models



DIPL. SECRET

From BUREAU TOKIO,

Confirm.

Received March 15, 1905,

6:15 a. m.

6/15/05  
J. H. P.

Secretary of State,  
Washington.

The Japanese have captured Surgeon Harvard and  
Captain Judson of our Army. They are being sent  
here.

GRISCOM.

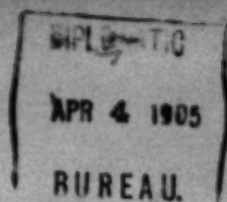


iphered by the Chief Clerk's Office, March 15, 1905. 9:15

UNITED STATES LEGATION,  
TOKIO.

No. 212.

March 15, 1905.

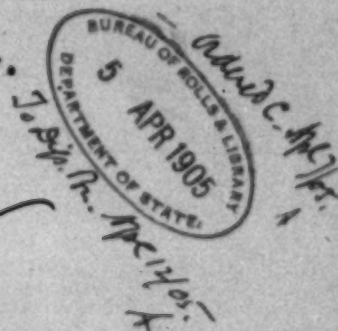


DIPLOMATIC BUREAU.

*Comply* *aaa*

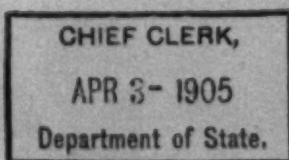


Mr. Griscom to Mr. Hay.



*Ans'd April 13*  
*File*  
*J. B. H.*

SUBJECT:-Request for copy of Taylor's International Public  
Law.



UNITED STATES LEGATION,  
TOKIO.

No. 212.

March 15, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

Sir:-

I have the honor to request that this Legation  
be supplied with a copy of Taylor's International Public  
Law, published by Callaghan and Company, Chicago.


I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

~~Mr. [unclear]~~  
Mr. Smith  
Rev. Taylor A



RC

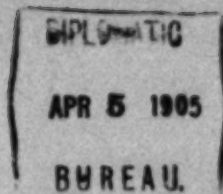
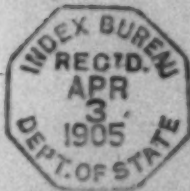
ASSISTANT SECRETARY,

APR 4 1905

UNITED STATES LEGATION,  
TOKIO.

No. 213.

March 15, 1905.



*Copy to War  
Dept. W. J.*

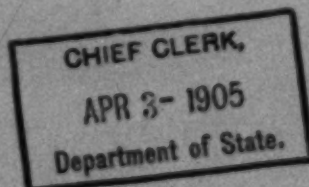
*Copy to Mr. Hay  
April 5.*

Mr. Griscom to Mr. Hay.

*Jan 24 to Mr. Hay*

*ackd. and filed*

SUBJECT:-The arrival in Japan of Major General MacArthur  
and his departure for the scene of war.



UNITED STATES LEGATION,  
TOKIO.

No. 243.

March 15, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

Sir:-

Referring to this Legation's despatch No. 169, of January 17, 1905, I have the honor to report that Major General MacArthur arrived in Japan on the 5th instant and, after remaining in Tokio for four days, left for the front on the 9th instant. All the details of his assignment and journey to the front had been prearranged by the Japanese General Staff at the request of this Legation. Every facility was offered by the military authorities to expedite General MacArthur's journey, in order that, if possible, he might see something of the great battle which was then waging. General Terauchi, the Minister for War, gave a banquet in his honor, and detailed a lieutenant of the Japanese Army to act as his aide and accompany him to the front. In fact such unusual courtesies were shown General MacArthur that they are worthy of special mention and would seem to call for some expression of appreciation on the part of our Government.

I have the honor to be,

Sir,

Your obedient servant,

*Lopaciuscow.*

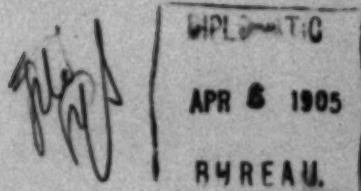
UNITED STATES LEGATION,  
TOKIO.

ASSISTANT SECRETARY,

APR 4 1905

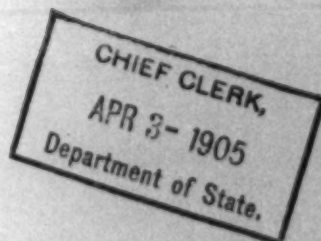


March 15, 1905.



MR. GRISCOM TO MR. HAY.

Subject:- Confirming telegram of March 15 relating to  
capture of American attaches near Mukden.



UNITED STATES LEGATION,  
TOKIO.

No. 7

March 15, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to confirm my telegram of to-day  
reading as follows:

" The Japanese have captured Surgeon Harvard and  
Captain Judson of our army. They are being sent here."

I may add that the above information was given  
me by the General Staff of the Japanese Army.

I have the honor to be,

Sir,

Your obedient servant,

*L. J. American.*

TELEGRAM RECEIVED IN CIPHER.

DIPLONATIO

MAR 17 1905

BUREAU.

DIPLONATIO BUREAU.

From TOKIO,

Received March 16, 1905,

6:10 a. m.

DEPT OF STATE

MAR  
16  
1905

ASSISTANT SECRETARY

Secretary of State,

Washington.

March 16, 9 p. m.

Japanese Army occupied Tiehling this morning.

GRISCOM.

DEPARTMENT OF STATE

MAR 16 9 18 AM 1905

CHIEF CLERK'S OFFICE



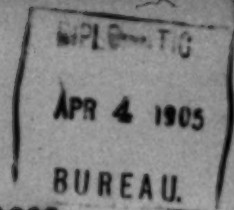
phered by the Chief Clerk's Office,

March 16, 1905. 9:10 a. m.

UNITED STATES LEGATION,  
TOKIO.

No. 214.

March 16, 1905.



Mr. Grison to Mr. Hay.

*Forwarded and  
To Governor of Hawaii,  
April 5  
W.D.C.*

**SUBJECT:-Extradition of Uyeki Kamitaro.**

Acknowledges receipt of Instruction No. 103,  
of February 8, 1905, and confirms telegrams  
of February 24 and 25 and March 7, 1905.

Application for provisional arrest has been  
made.

Explanation given of delay in apprehending  
fugitive.

CHIEF CLERK,  
APR 3- 1905  
Department of State.



UNITED STATES LEGATION,  
TOKIO.

No. 214.

March 16, 1905.

*Feb 9 to Haw*

To the Honorable John Hay,  
Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of the Department's No. 103 of February 8, instructing me on the arrival of the papers in the case to make formal requisition under the existing treaty between the United States and Japan, for the surrender of one Uyeki Kamitaro, alias Uyeki Kamiso, charged with the crime of murder in the Territory of Hawaii; I have also to confirm as appended hereto on the overleaf, the exchange of telegrams on this subject between the Department and this Legation.

Immediately on receipt of the Department's telegram on February 24, instructing me to request the provisional arrest and detention of the fugitive, I made a preliminary inquiry at the Foreign Office, and was informed that the request would be granted. As the Japanese Government desired to know the date of the issuance of the warrant and the approximate date of the arrival of the papers here, I addressed to you the same day a telegram of inquiry and upon receipt the following day of your reply, I gave the information to the Minister

for Foreign Affairs. On the 27 ultimo I addressed to Baron Komura a note, a copy of which is here-

with

Telegram received February 24, 1905.

"Griscom, Minister,

"Tokio.

"Governor of Hawaii cables;- Can you arrange

for Japanese Government apprehend Uyeke Kam

"itare alias Uyeke Kamitaro of Hiroshima Ken A

"gori Fuchumura? Adana Galandan, officer, re

"to depart with extradition papers. End quote

"Fugitive who is Japanese thirty-seven years

"old is charged with murder in Hawaii; sailed

"from Honolulu on steamship "Siberia" for Yok

"hama December 23. Request provisional arrest

"and detention. Warrant of arrest has been i

"ued. HAY."

Telegram sent February 24 1905.

"Secstate, Washington.

"February 24, 2.00 P.M. Foreign Office requ

"date of warrant of arrest Uyeke Kamitaro an

"approximate date arrival papers here. Gris

Telegram received February 25, 1905

"Griscom, Minister, Tokio.

"Warrant for arrest Kamitaro issued January

"tenth last. Agent will start from Hawaii

"papers immediately upon receipt of informat

"that Kamitaro has been arrested. HAY."

Telegram received March 7, 1905.

"Griscom, Minister, Tokio.

"Has Uyeke Kamitaro been apprehended by Jap

Telegram sent March 7, 1905.

"Secstate, Washington.

"March 7, 1905, P.M. (The) Foreign Offi

"informs me Kamitaro has not yet been appre

"hended. I will telegraph you when inform

"of his arrest. GRISCOM."

(2)

with enclosed, asking that the individual be arrested and held pending the arrival of the papers.

On the 7 instant I received your telegram asking if Uyeki had been apprehended. The Foreign Office informed me upon inquiry the same day that he was still at large, whereupon I telegraphed you this information and added that I would apprise you immediately on receiving word of his arrest.

In explanation of the delay in apprehending Uyeki I may add that in December last the Foreign Office acting upon a request received from the Japanese Consul at Honolulu to whom application had been made by the Territorial authorities, caused the individual in question to be placed under police surveillance on his arrival in Japan. This surveillance was continued for about two months, on the expiry of which time the Minister for Foreign Affairs, in the absence of any formal request from the United States Government, consented to its discontinuance as insisted upon by the Minister of Justice. The authorities, meanwhile having completely lost sight of the fugitive, are now experiencing great difficulty in their effort to trace him.

I have the honor to be,

Sir,

Your obedient servant,

*Leo Schisem*

ENCLOSURE: Mr. Griscom to Baron Komura, February 27, 1905.

ENCLOSURE WITH MR. GRISCOM'S NO. 214 OF MARCH 16 1905.

COPY.

No. 129.

American Legation, Tokyo,

February 27, 1905.

To His Excellency

The Baron Komura Jutaro,

Ac., Ac., Ac.

Monsieur le Ministre:

I have the honor to inform Your Excellency that I am in receipt of a telegraphic request from the Honorable the Secretary of State that efforts be made to apprehend one Uyeki Kamitaro, of Hiroshima Ken, Akigori, Fuchamura, a Japanese subject who is charged with the crime of murder committed in the Territory of Hawaii, and for whose arrest a warrant was issued by the proper authorities on the 10 ultimo.

Under the extradition treaty existing between the United States and the Empire of Japan I have the honor to request that Your Excellency be so good as to cause instructions to be issued to effect if possible the provisional arrest and detention of the said Uyeki Kamitaro pending the arrival of the formal extradition papers. Adana Galandan, an officer of the United States Government, will start from Hawaii with the necessary papers immediately upon receipt of information that the said Kamitaro has been arrested.

For the further information of Your Excellency I may state that the said Kamitaro is

also

(2)

also known by the alias of Uyeki Kamise, and that he is reported to be about thirty-seven years old.

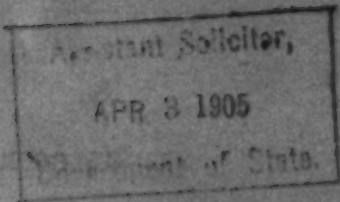
I take advantage of this opportunity, &c.,

Signed: Lloyd C. Griseom.

(2)

also known by the alias of Uyei Kanaka, and that  
he is reported to be about thirty-seven years old.  
I take advantage of this opportunity, etc.,

Signed: Lloyd C. Wilson.

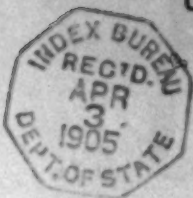


*Dep. Sec.*

*Copy to  
Gov. of Hawaii.*

*F. J.*

*Ack.*



UNITED STATES LEGATION,  
TOKIO.

ASSISTANT SECRETARY,

APR 4 1905

APR 5 1905

BUREAU.

No. 215.

March 16, 1905.

*President  
to Sec. April 5*

MR. GRISCOM TO MR. HAY.

*ackd.  
apr. 7 1905*

Subject:-- Transmitting correspondence between Mr. Griscom  
and Baron d'Anethan , Belgian Minister, on the  
occasion of the Inauguration of the President.



CHIEF CLERK,

APR 3- 1905

Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 215.

March 16, 1905.

To the Honorable John Hay,  
Secretary of state,  
Washington.

S i r :

I have the honor to transmit herewith enclosed, a copy, with translation, of a note received from the Baron d'Anethan, Belgian Minister and Dean of the Diplomatic Corps, conveying his congratulations on the occasion of the Inauguration of the President, together with a copy and translation of my reply.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

ENCLOSURES: 1. Baron d'Anethan to Mr. Griscom, March 4, 1905.  
2. Translation of above.  
3. Mr. Griscom to Baron d'Anethan, March 14, 1905.  
4. Translation of above.

ENCLOSURE NO. 1 WITH MR. GRISCOM'S NO. 215 OF MARCH 16, 1905.

COPY.

Légation de Belgique,  
Tokio, 4 mars, 1905.

Monsieur le Ministre

et cher ami,

M'absentant aujourd'hui de Tokio je ne puis me rendre chez Votre Excellence et lui apporter mes félicitations à l'occasion du grand événement qui se célèbre, en ce moment, à Washington.

Je m'intéresse cependant trop à votre pays pour ignorer cette date historique à laquelle le Président inaugure, pour un terme nouveau, la continuation de l'exercice du pouvoir suprême dont il est déjà investi.

Puisse la Providence étendre sa protection à Votre Illustre Président et lui permettre de réaliser ses grands desseins pour le bonheur de l'Amérique & dans l'intérêt des destinées des autres nations.

Croyez, mon cher collègue, à mes sentiments de haute considération et de sincère cordialité.

Signé: D'ANETHAN

Enclosure No. 2 with Mr. Griscom's No. 245 of March 16, 1905.

Translation.

Legation of Belgium,

Tokio, March 4, 1905.

Mr. Minister and Dear Friend,

On account of my absence from Tokio to-day I am unable to visit Your Excellency to convey to you my congratulations on the occasion of the great event that is now taking place in Washington.

But my interest in your country is so intense that I cannot let pass in silence this historic day on which the President resumes in a new term the exercise of the exalted powers with which he is already invested.

May Providence extend its protection to your illustrious President and <sup>enable</sup> ~~make~~ him to realize his lofty aims for the happiness of America and for the best interests of the destinies of other nations.

Pray accept, my dear Colleague, the expressions of my high consideration and sincere cordiality.

*Signed:* d'ANETHAN.

ENCLOSURE NO.3. WITH MR. GRISCOM'S NO.215/ 67 MARCH 16, 1905.

COPY.

American Legation, Tokyo,

March 14, 1905.

Monsieur le Ministre

et cher ami,

La lettre si aimable que Votre Excellence a bien voulu m'adresser à l'occasion de l'inauguration de notre bien aimé Président Roosevelt m'a profondément ému. Je ne manquerai pas d'en transmettre une copie à mon Gouvernement afin qu'elle parvienne au Président lui même.

Je m'empresse de vous offrir mes remerciements les plus sincères pour les bons vœux exprimés par Votre Excellence à propos de la santé du Président. J'apprécie surtout vos expressions d'intérêt dans les grands desseins qu'il a en vue pour assurer le bonheur et la prospérité de notre pays, ainsi que la sympathie réelle dont elles sont la preuve.

Croyez, mon cher collègue, à mes sentiments de haute considération et d'amitié profonde.

Signé: Lloyd C. Griscom.

Son Excellence

Le Baron d'Anethan,

Ac., Ac., Ac.

Légation de Belgique,

Tokyo.

Enclosure No. 4 with Mr. Griscom's No. 215 of March 16, 1905.

Translation.

American Legation,

Tokyo, March 14, 1905.

Mr. Minister and Dear Friend:

The kind letter which Your Excellency has been good enough to send me on the occasion of the inauguration of our well beloved President Roosevelt has moved me deeply. I shall not fail to send a copy of it to my Government for communication to the President.

I hasten to offer you my most sincere thanks for the good wishes for the President's well-being Your Excellency has expressed. I appreciate especially your expressions of interest in his high aims for the happiness and prosperity of our country, and the genuine sympathy of which such words are the proof.

Pray accept, my dear Colleague, the expressions of my high consideration and deep friendship.

( Signed ) Lloyd C. Griscom

To His Excellency,

The Baron d'Anethan,

etc., et ., etc.,

Belgian Legation.

**The Assistant Secretary.**

April 4 ..... 1904.

DIPLOMATIC BUREAU:

Acknowledge and copy to the President

F.B.I.

Burns, Asst Secy.  
for information of the  
President  
W.S.



UNITED STATES LEGATION,  
TOKIO.  
APR 5 1905  
BUREAU.

ASSISTANT SECRETARY,

APR 4 1905

No. 216.

March 16, 1905.

*ackd.*  
*as l.*

MR. GRISCOM TO MR. HAY

*ackd. as l. 6*  
*File*

Subject:- Telegram from Mr. King, Consular Agent, reporting  
capture of S.S.Tacoma.

CHIEF CLERK,  
APR 3- 1905  
Department of State.



UNITED STATES LEGATION,  
TOKIO.

No. 216.

March, 16, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to inform you that I received yesterday the following telegram from Mr. King, Consular Agent at Hakodate:

"American steamer Tacoma was captured yesterday off Kunashiri. Now on her way to this port".

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd C. Ruiseau.*



UNITED STATES LEGATION,  
TOKIO.

ASSISTANT SECRETARY,

APR 22 1905

No. 217.

March 16, 1905.

*for Mr. and  
Mr. Gray  
April 27  
file*

RECEIVED

APR 24 1905

BUREAU.

MR. GRISCOM TO MR. HAY.



Subject:- The Fourth Domestic Loan.

CHIEF CLERK,  
APR 3- 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 217.

March 16, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to report that a new domestic loan, the fourth, is now being floated in Japan. The terms of the loan, as announced in the Official Gazette of the 27th ultimo, are as follows:- Amount, 100,000,000 yen; interest, 6 % ; term, seven years; selling price, 90; banks' commission, 1/2 %. I append a table giving a comparison of the respective terms of the four domestic loans negotiated during the past year:

	Amount	Int.	Period	Issue price	Net Int.
First,	100 millions	5 %	5 years	95	6.32 %
Second,	100 "	5 %	7 "	92	6.96 %
Third,	80 "	5 %	7 "	92	6.96 %
Fourth,	100 "	6 %	7 "	90	8.25 %

In the present instance, while the amount now floated is 100,000,000 yen it is understood that arrangements have been made with the bankers by the Government for a second installment of a similar amount on the same terms whenever the Government wishes to call for it. The issue of bonds of small denominations ( ¥ 25 and ¥ 50 ) has been discontinued in connection with the present loan for the reason that, while in former instances many subscribed for small amounts from patriotic motives, the difficulty of collecting the successive installments was greatly increased.

The present loan was fully covered by the bankers and the Imperial Household before the 27th ultimo when it was  
opened

- 2 -

opened to public subscription. It is reported to be now covered about five times.

I have the honor to be,

Sir,

Your obedient servant,

*Leprieux.*

**The Assistant Secretary.**

....., 1905.

**DIPLOMATIC BUREAU:**

*Copy to Treasury*

TELEGRAM RECEIVED



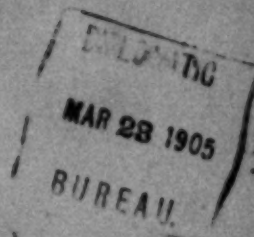
DIPLOMATIC BUREAU

Confirm.

*adg*

*50 War, Mar 23*

From TOKIO,  
March 23, 1905,  
10:36 a. m.



*670  
71241 D  
RCS*

Secretary of State,  
Washington.

March 23, 4 p. m. Japanese Government to-day give  
assent to my request 15th that Major McClernand might  
replace Colonel Crowder as field observer.

G R I S C O M.

DEPARTMENT OF STATE  
MAR 23 11 43 AM 1905  
CHIEF CLERK'S OFFICE



C. C's Office, March 23, 1905. 11 a. m.

UNITED STATES LEGATION,  
TOKIO.

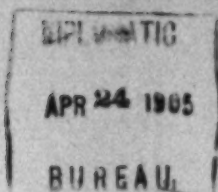


DIPLOMATIC BUREAU.

*To Com & Labor for  
publication if deemed  
appropriate.*

March 23, 1905.

No. 218.

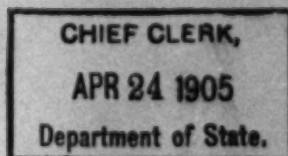


*And send  
to Com. of Labor  
April 27  
C*

Mr. Griscom to Mr. Hay.



SUBJECT:-Transmitting copies (translations) of new Rail-  
way Mortgage Law of Japan.



UNITED STATES LEGATION,  
TOKIO.

No. 218.

March 23, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

Sir:-

I have the honor to transmit herewith three  
copies of a translation of the Railway Mortgage Law which  
was enacted at the recent session of the Japanese Parlia-  
ment.

Heretofore the law of mortgages in this country,  
owing to defects in remedies for mortgagees, has prevented  
the floating abroad of loans on railroad property.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

ENCLOSURES:-

Three copies (translations) of Railway Mortgage Law.

Enclosure with Mr. Grice's No. 218

of March 23, 1905

RAILWAY MORTGAGE LAW.

# RAILWAY MORTGAGE LAW.

(AS REVISED AND PASSED BY THE DIET). TRANSLATED BY J. E. DE BECKER.

## CHAPTER I.

### GENERAL PROVISIONS.

1.—The word *Company* in this law means a limited private joint-stock railroad company, the capital of which is divided by shares.

2.—For the purpose of making it the subject of a right of mortgage, a company may form a railroad estate in respect to either the whole or a portion of their railroad.

A thing belonging to one railroad estate cannot at the same time belong to another railroad estate.

A railroad estate shall be deemed as one thing.

A railroad estate ceases to exist when the mortgage is extinguished.

3.—A railroad estate is formed by the following things belonging to the owner of a railroad estate :

(1) A railroad track, other land used for the railroad, the structures thereon, and the tools, implements, plant and machinery, appertaining thereto.

(2) Workshops, warehouses, electrical power plant central stations, transformer sub-stations, electrical distributing sub-stations, offices, houses, the land on which they stand, and the tools, implements, plant and machinery appertaining thereto.

(3) Structures connected with water used by a railroad, the land on which they stand, and the tools, implements, plant and machinery appertaining thereto.

(4) Structures necessary for communications, signals, and the transmission of electricity used by a railroad, and the land on which they stand ; also the tools, implements, plant and machinery appertaining thereto.

(5) Superficies created over the immovable property of other persons for the purpose of

owning or using the structures mentioned in the four preceding sub-clauses, registered leases, and easements for the lands mentioned in the four preceding sub-clauses.

(6). Rolling stock, and the tools, implements, plant and machinery, appertaining thereto.

(7). Materials and tools, implements, plant and machinery necessary for the maintenance of the line.

4.—A railroad estate cannot be made the subject of any rights *in rem* except those of ownership and mortgage ; neither can it be made the subject of attachment, provisional attachment, or provisional disposition.

Things appertaining to a railroad estate cannot be made the subject of any right *in rem* other than a right of ownership, neither can they be made the subject of attachment, provisional attachment, or provisional disposition.

Should the things which are to belong to a railroad estate form the subject of a right *in rem* other than a right of ownership, or of attachment, provisional attachment, or provisional disposition, or should an immovable which is to belong to a railroad estate be the subject of a right of lease, the company may not form a railroad estate. Provided that the above rule does not apply where no registration exists in respect to the rights concerning immovables.

5.—The creation or alteration of a right of mortgage will acquire validity upon permission being given by the proper authorities, after upwards of one-fourth of the whole share capital of the company has been paid up and a resolution passed in the same manner as is required in the case of alteration of a company contract.

6.—The amount of the loan for which a railroad estate is to be mortgaged must not exceed, when added to the amount of any debentures, the

total amount of money which has been paid up on shares. Provided that in a case where the mortgage is contracted for on account of the repayment of old debts, the amount of such old debts are not to be calculated.

7.—In making application for sanction for the creation of a right of mortgage, the deed of mortgage and an inventory of the railroad estate shall be handed in. Provided that in the case of issuing debentures upon security, the deed of trust takes the place of a deed of mortgage. In the deed of mortgage shall be inserted the following :—

(1). Designation of the line belonging to the railroad estate ;

(2). Names and domiciles of the mortgagee, the debtor, and the owner of the railroad estate ;

(3). Rank of the right of mortgage ;

(4). Amount of loan, and manner and time of repayment ;

(5). Rate of interest, and manner and time of payment thereof. No agreement which will change the matters mentioned in a deed of mortgage or a deed of trust shall acquire validity unless sanctioned by the proper authorities.

8.—When an application for sanction to create a right of mortgage has been made, the proper authorities shall forthwith issue a public notification, in the *Official Gazette*, that any person who holds a right mentioned in paragraph 3 of article 4 in respect to the things which are to belong to the railroad estate, or any creditor in an attachment, a provisional attachment or a provisional disposition, shall declare the same within a fixed period of time. Provided that such period of time shall not be less than one month.

Even prior to the application for sanction of the creation of a right of mortgage being lodged, the proper authorities may, upon the application of the company, issue the public notification mentioned in the preceding paragraph. In this case, should no application for sanction of the creation of a right of mortgage have been made within six months after the public notification, such public notification will become null and void.

Where a company make the application mentioned in the preceding paragraph, an inventory of the railroad estate shall be handed in.

9.—When the public notification mentioned in paragraph 2 of the preceding article has been made, or when application for sanction of the creation of a right of mortgage has been made, things which are to belong to the railroad estate cannot be alienated (transferred.)

10.—After the public notification mentioned in article 8 has been made, adjudication cannot

be granted in respect to a right concerning immovables which are to belong to the railroad estate, while the public notification mentioned in paragraph 2 of the same article remains in force, or while the application for sanction of the right of mortgage is not dismissed, or while such sanction remains in force.

The provisions of the preceding paragraph apply *mutatis mutandis* to the case of auction concerning movables.

11.—When sanction *re* the creation of a right of mortgage has been given, things appertaining to the railroad and mentioned in article 3, belong to the railroad estate as a natural consequence. The same applies to things which have newly become the property of the owner of the railroad estate after the creation of the right of mortgage.

With regard to the things mentioned in the preceding paragraph, should there be any rights mentioned in paragraph 3 of article 4, the registration of those concerning immovables will become null and void, those concerning movables will be regarded as non-existent, and attachment, provisional attachment, or provisional disposition will become null and void. Provided that the above rule does not apply where the sanction for the creation of the right of mortgage has become null and void.

In the case of the preceding paragraph, persons having a right mentioned in paragraph 3 of article 4, or a creditor in attachment, provisional attachment, or provisional disposition may claim damages against the owner of the railroad estate. Provided that the above rule does not apply to creditors who have made no declaration within the specified period of time, in respect to the things relative to which the public notification mentioned in article 8 has been given, nor to persons who, after the expiration of the specified period of time, have applied for registration, acquired rights *in rem* other than the right of ownership in respect to movables, or who have made attachment, provisional attachment or provisional disposition.

12.—Where the public notification mentioned in paragraph 2 of article 8 has become null and void, where the creation of a right of mortgage has not been sanctioned, or where such sanction has become null and void, the proper authorities shall forthwith issue a public notification in the *Official Gazette*.

13.—Where no application is made for the registration of the creation of a right of mortgage within two months from the time sanction was given for the creation of such right of mortgage, the sanction given will become null and void.

14.—A right of mortgage will become valid even prior to the right of claim coming to existence.

15.—Acquisition, loss or alteration of a right of mortgage, or transfer of a right of ownership of a railroad estate, cannot be set up against third parties unless registered.

16.—Where rights of mortgage have been created in respect to one and the same railroad estate in order to secure several claims, the ranks of such rights of mortgage will be determined by the priority of the registrations.

17.—A mortgagee may, in preference to other creditors, obtain satisfaction of his claim from the railroad estate.

18.—A mortgagee may exercise his right in respect to the whole of the railroad estate until his claim be fully satisfied.

19.—The right of mortgage can be exercised against monies or other things which are receivable by the company on account of the alienation (transfer), lending, extinguishment, or damage of the railroad estate or any things belonging thereto. Provided, however, that the mortgagee must effect attachment prior to the payment or delivery of such money or things.

20.—Where a company intends to alienate (transfer), lease or mortgage their railroad estate, to entrust (to others) the management of the business concerning the railroad estate, to alter the line, to suspend the business in respect to the whole or a portion of the line or to dispose of things belonging to the railroad estate, the mortgagee shall be notified that should he have any objection thereto, such objection shall be made within a fixed period of time. Provided that the period of time shall not be less than two months.

Where the mortgagee has raised objection within the period of time specified in the preceding paragraph, the company shall apply for the decision of the proper authorities. This decision is final and conclusive.

Where the mortgagee has his domicile in a foreign country the period of time specified in paragraph 1 shall not be less than four months.

The provisions of the article do not apply where the mortgagee has previously given his consent.

21.—Where a company has applied for sanction in regard to a change of the manner of the work relating to their railroad estate, should it be apprehended that such change will conspicuously reduce the value of the railroad estate, the proper authorities shall cause the company to notify the mortgagee that if he has any objection, it shall be stated.

The provisions of the preceding article are applicable *mutatis mutandis* to the case of the preceding paragraph.

22.—In the case of the railroad charter becoming null and void, or of its being cancelled, the mortgagee may exercise his rights.

Where a right of mortgage is to be executed in

accordance with the provisions of the preceding paragraph, the mortgagee shall take steps within six months from the day on which the charter has become null and void or has been cancelled.

The charter is regarded as being existent during the period of time mentioned in the preceding paragraph and up to the conclusion of the execution of the right of mortgage.

23.—Where a creditor possesses, as security for one and the same right of claim, rights of mortgage over several railroad estates, should the proceeds of such several estates be distributable at one and the same time, the burden on account of the right of claim is to be divided in proportion to the respective value of each of such railroad estates.

Should the proceeds of only one of the railroad estates be distributable, the mortgagee may obtain satisfaction of the whole of his claim out of such proceeds. In such case, the mortgagee standing next in rank may exercise his right of mortgage in substitution of the former mortgagee up to the limit of the amount which might have been paid to the former mortgagee out of the proceeds of other railroad estates in accordance with the provisions of the preceding paragraphs.

24.—In the case of a person who exercises the right of mortgage by virtue of a substitute according to the provisions of the preceding article, such substitute may be entered in the registration of the right of mortgage.

25.—A mortgagee may obtain satisfaction of his claim by other properties in so far only as he has not been satisfied with the proceeds of the railroad estate.

The provisions of the preceding paragraph do not apply where the proceeds of other properties are to be distributed prior to the distribution of the proceeds of the railroad estate. Provided, however, that other creditors may demand the amount of money (which is to be paid to the mortgagee) be deposited so as to cause the mortgagee to receive satisfaction of his claim in accordance with the provisions of the preceding paragraph.

26.—Where the Government has purchased the railroad and articles appertaining thereto, if a period of twenty years, or the years during which no repayment of the principal of the loan is to be made have elapsed, the mortgage can be paid off; provided at least one year's previous notice be given.

## CHAPTER II.

### REGISTRATION.

27.—The proper authorities will keep a Railroad Registration Book for making registrations in respect to railroad estates.

The Railroad Registration Book will be

provided with a folio for each and every railroad estate.

28.—Registration is made upon the application of the parties concerned except in such cases where it is specially otherwise provided in this law.

29.—The following papers shall be annexed to applications for the registration of the creation of a right of mortgage :—

(1). Deed relative to the creation of the right of mortgage ;

(2). Inventory of the railroad estate.

The parties concerned may refer the document mentioned in clause 2 of the preceding paragraph to the inventory of the railroad estate attached to the application for sanction to create the right of mortgage.

The document mentioned in clause 2 of paragraph 1 is not required to be affixed to an application for the registration of the creation of a junior right of mortgage.

30.—A registration of the creation of a right of mortgage is effected by making the following entries in the Railroad Registration Book :—

(1). Matters mentioned in Clauses 1 to 5, inclusive of paragraph 2 of article 7 ;

(2). Conditions upon which the railroad charter has been granted ;

(3). That the right of mortgage has been created ;

(4). Date of sanction of the creation of the right of mortgage ;

(5). Date of registration.

The matters mentioned in clause 1 of paragraph 2 of article 7, and clause 2 of preceding paragraph are not required to be registered relative to a right of mortgage of a junior rank.

31.—Should any change occur in matters registered, or any of the registered matters cease to exist, the parties concerned shall, without delay, apply for the registration of such change or extinguishment.

In the document of application mentioned in the preceding paragraph shall be stated the cause of the change or extinguishment, and papers proving such fact shall be affixed to the application.

Where the change or extinguishment has been caused in accordance with an order or sanction of the proper authorities, the certificate mentioned in the preceding paragraph is not required to be affixed to the application.

32.—Where a right of mortgage has been created over several railroad estates in order to secure one and the same right of claim, all the other railroad estates shall be designated in the folio of each one of the railroad estates, and the fact that the latter forms the subject of the right of mortgage together with the former, shall be entered therein.

Should any change or extinguishment relative

to other railroad estates necessitate alteration of the entries mentioned in the preceding paragraph, such alteration shall be entered ; and should the registration of an extinguishment relative to other railroad estates require no entries such as mentioned in the preceding paragraph such entries shall be cancelled.

33.—When the creation of a right of mortgage has been registered in the Railroad Mortgage Registration Book, the entries in the inventory of the railroad estate acquire the same validity as the registration.

34.—Should any alteration have occurred in the matters entered in the inventory of a railroad estate, or should any of such matters have ceased to exist, the company shall send in a report to that effect without delay.

The report mentioned in the preceding paragraph will acquire the validity mentioned in the preceding article by being affixed to the inventory of the railroad estate.

35.—Should the whole of the registration of the right of mortgage made in one folio have been cancelled, such folio shall be closed by the proper authorities.

36.—In the following cases the proper authorities shall send notice thereof to the registration office having jurisdiction ; provided, however, that in the case of clause 2 notice shall only be sent to the fresh registration office having jurisdiction :—

(1) Where the creation of a right of mortgage of the first order has been registered ;

(2) When a fresh right regarding immovables has been added to the railroad estate ;

(3) When the folio of a railroad estate has been closed.

In the case of clause 1 or 3 of the preceding paragraph, the proper authorities shall forthwith insert a public notification thereof in the *Official Gazette*.

37.—When a registration officer is in receipt of the notice mentioned in clause 1 or 2 of the preceding article, no registration of a right *in rem* other than right of ownership, nor of right of lease, or of attachment, provisional attachment or provisional disposition, can be made in respect to things belonging to the owner of the railroad estate until the notice mentioned in clause 3 has been received. Provided, however, that the above rule does not apply where it is clearly shown by a certificate of the proper authorities that the things forming the subject of the right *in rem* other than a right of ownership, of a right of lease, or of an attachment, provisional attachment or provisional disposition, do not belong to the railroad estate.

38.—Any person may apply for a perusal of the Railroad Mortgage Registration Book and the inventory of the railroad estate, or may, upon the payment of a fee, apply for the delivery of a

copy or extract of the Railroad Mortgage Registration Book.

The forwarding of a copy or extract of the Railroad Mortgage Registration Book can be applied for by paying the postage in addition to the fee.

39.—The preparation of the Railroad Mortgage Registration Book, the form of the inventory of the railroad estate, and regulations relating to the particulars of the registration are determined by the Minister of State concerned.

### CHAPTER III.

#### COMPULSORY SALE BY AUCTION AND COMPULSORY ADMINISTRATION.

40.—The execution of a right of mortgage against a railroad estate is effected by way of either compulsory sale by auction or compulsory administration.

The mortgagee may, in the exercise of his own discretion, enforce execution by carrying out either one of the measures mentioned in the preceding paragraph or both of such methods concurrently.

41.—A deed of mortgage, or a deed of trust and any agreement altering matters mentioned in such deed, are, in connection with execution, regarded as an executory title (*saimu meigi*) drawn up by a notary public, provided that the executory exemplification (*shikkō-ryoku aru seihon*) thereof be given by an official belonging to the proper authorities.

42.—With regard to execution, the Local Court having jurisdiction over the place where the company holding the railroad estate have their head office is exclusively competent.

43.—Application for execution shall be made in writing.

Applications shall contain the following matters, and shall be signed and sealed by the applicant or his representative:—

- (1). The trade-names and the seats of the head-offices of the indebted company and of the company holding the railroad estate;
- (2). Designation of the railroad estate which is to be sold by auction;
- (3). Facts forming the cause of the auction;
- (4). Date;
- (5). Court.

The application shall be accompanied by a copy of the Railroad Mortgage Registration Book in addition to the executory exemplification; provided that where a compulsory administration has already been commenced, no copy of the Railroad Mortgage Registration Book shall be required.

44.—Application for a compulsory sale by auction can be withdrawn until the hearing for the confirmation of the sale by auction only

when the purchaser by auction gives consent thereto.

45.—The commencement of the auction proceedings is instituted by means of a rule (*kettei*).

The rule ordering the commencement of the proceedings shall contain the name and domicile of the applicant and the matters mentioned in clauses 1 to 4 of paragraph 2 of article 43, and shall be signed and sealed by the judge who has rendered the ruling.

46.—When the Court has ruled the commencement of the auction proceedings, the proper authorities shall forthwith be requested to register the application for auction in the Railroad Mortgage Registration Book.

Should the proper authorities have been requested as specified in the preceding paragraph, registration shall immediately be made, and the fact shall be notified to the Court.

47.—Where a Court has issued a rule ordering the commencement of auction proceedings, a public notification shall be inserted in the *Official Gazette* to the effect that the Government or public administrative authorities governing taxes and other public imposts shall, within a fixed period of time, send in a statement of the existence or non-existence of any right against the owner of the railroad estate, and of the limits of such right.

48.—The Court shall, upon hearing the opinion of the proper Government authorities, appoint an expert and order him to estimate the value of the railroad estate which is to be put up to auction; and the value thus estimated shall be made the lowest (reserve) price of the sale by auction.

49.—The Court shall fix a time for the auction, and a public notification thereof shall be inserted in the *Official Gazette*.

The public notification specified in the preceding paragraph shall contain the following:—

- (1) Designation of the railroad estate to be put to auction;
- (2) Place and time of auction, and the time at which the tenders are to be closed;
- (3) The lowest reserve price of the sale by auction;
- (4) Place and time for adjudication;
- (5) Place where the execution records can be perused.

50.—Where persons who are not engaged in the railroad business intend to bid, seven or more persons intending promoting the formation of a company having for its object the acquiring of the business of the railroad which is to be put up to auction must combine together.

Persons bidding in accordance with the provisions of the preceding paragraph are jointly and severally responsible in relation to the bidding.

51.—Persons bidding in accordance with the provisions of paragraph 1 of the preceding article

shall make a deposit either in cash or by valuable securities, of an amount corresponding to five hundredths (5%) of the lowest (reserve) price of the sale by auction, as security, at the time of bidding. Where the mortgagee is among the bidders, the provisions of the preceding paragraph do not apply so far only as the amount of his claim corresponds to upwards of five hundredths of the lowest reserve price of the sale by auction.

52.—Auction is carried out by tenders.

53.—The court shall open the sealed tenders in the presence of the bidders.

Should there be upwards of two tenders of the same value regarding which adjudication is to be made, the court shall order such bidders to make fresh tenders forthwith.

If, even after the fresh tenders, there are still bids of the same value, the court shall forthwith determine the highest bidder by means of drawing lots.

54.—Tenders which have been made by persons who may not participate in the bidding are null and void.

55.—Where, at the time of auction, no tenders are made, no admissible tenders are made, or no tenders reaching the lowest (reserve) price of the sale by auction, the court shall, *ex officio*, appoint a fresh time for the auction.

In the case of the preceding paragraph the court may, upon hearing the opinion of an expert, reduce the lowest price of the sale by auction.

56.—No tenders can be either altered or cancelled.

Tenders will become null and void in cases where a rule ordering adjudication to a person other than the bidders who have made such tenders has become final and conclusive, where a rule refusing adjudication has become final and conclusive, or where the auction proceedings have been closed without making adjudication.

57.—The court shall designate the name of the bidder offering the highest price and the value of his bid, and notify the conclusion of the auction.

58.—The court shall draw up a protocol concerning the auction which shall include the following details :—

(1). Designation of the railroad estate which has been put to the auction ;

(2). Designation of the applicant for the auction ;

(3). Times of making and opening tenders ;

(4). The amounts of all the bids, and the names and domiciles of the bidders, or the fact that no tenders were made ; the there were no admissible tenders, or no tenders reaching the lowest (reserve) price of the sale by auction, and that the steps mentioned in paragraphs 2 and 3 of article 53 have been taken ;

(5). The time at which the conclusion of the auction has been notified, the name of the bidder offering the highest price, and the amount of his bid.

59.—The court shall cause the debtor, the owner of the railroad estate, the mortgagee, and the bidder, to make statements relative to the adjudication.

60.—The debtor, the owner of the railroad estate, the mortgagee, or the bidder, may raise objection in respect to the adjudication only where the application for the compulsory sale by auction has been withdrawn, or the execution has been cancelled, or where the auction has been carried out in violation of the provisions of articles 48 to 54 or article 57.

61.—Where an objection is considered proper, if a fresh auction is to be admitted, the court shall, *ex officio*, fix a time for the auction.

With the exception of the case where a time for auction is fixed in accordance with the provisions of the preceding paragraph, the confirmation or refusal of the adjudication shall be pronounced by a rule.

62.—Persons who have raised objections in respect to the adjudication may enter an immediate protest against the rule ordering adjudication only where there is the ground mentioned in article 60.

Persons who have appeared at the time of adjudication but not raised any objection in respect to the adjudication may enter an immediate protest against the rule refusing adjudication only where there is no ground for refusing the adjudication.

The protest has the force of suspending the execution.

63.—The court shall draw up a protocol concerning adjudication.

64.—Should the rule granting adjudication have become final and conclusive, the court shall forward to the proper authorities a copy of the rule.

65.—The purchase money in regard to the auction shall be paid to the court within one week from the day on which the rule granting adjudication has become final and conclusive, or with regard to the persons who are required to obtain a formal charter, from the day on which such formal charter has been obtained. Provided that in the case of the creditor being the successful bidder, he may deduct the amount of money he is to receive out of the purchase money, and it suffices for him to pay only the balance.

66.—When the purchase money has been paid the right concerning the railroad estate put up to the auction is conveyed to the successful bidders, or, if the successful bidders have participated in the auction in accordance with paragraph 1 of article 50, to the company promoted by such bidders.

The right of mortgage will cease to exist when the right concerning the railroad estate is conveyed in accordance with the provisions of the preceding paragraph.

67.—Where a formal charter is not granted, or where no application is made for a formal charter within the period of time specified in article 73, or where the purchase money is not paid within the period of time specified in article 65, the court shall, *ex officio*, cancel the rule granting adjudication and fix a fresh time for auction.

Where the rule granting adjudication has been cancelled in accordance with the preceding paragraph, the formal charter is regarded as cancelled.

The bidder to whom adjudication is made may not participate in the fresh auction, and he is liable to make compensation for the shortage (if the purchase money in the fresh auction is less than original purchase money) and costs of the proceeding.

68.—The court shall deduct in turn the costs of the proceedings, taxes, and other public imposts out of the purchase money in the auction; the balance remaining being distributed among the mortgagees according to the rank of the respective rights of mortgage. Any further balance shall be delivered to the owner of the railroad estate.

In the case of the preceding paragraph, the court shall notify the Government authorities concerned of the fact, and request them to cancel the registration of the application for auction.

Should the Government authorities concerned receive the request mentioned in the preceding paragraph, they shall take the following steps:—

(1) To cancel the registration made in accordance with paragraph 2 of article 46 and the registration of the right of mortgage.

(2) To notify the registration office having jurisdiction of the fact that a rule granting adjudication has been rendered, and request them to register the right concerning immovables acquired by the successful bidders or a company promoted by such successful bidders, and to cancel the registration which has become null and void in accordance with paragraph 2 of article 11.

69.—Where an auction proceeding has been closed without making adjudication, the court shall notify the proper government authorities thereof, and request them to cancel the registration of the application for auction.

Should the proper authorities be in receipt of the request mentioned in the preceding paragraph, the registration made in accordance with paragraph 2 of article 46 shall be cancelled.

70.—Where, even after the time for auction has been opened twice or more, there are no tenders, or no admissible tenders, or no tenders

which reach the lowest (reserve) price for the sale, the court may put up each separate individual property belonging to the railroad estate which was put up to auction only where the consent of the mortgagee has been obtained.

In the case of the preceding paragraph the court may, upon hearing the mortgagee, make partition of the things belonging to the railroad estate and put such divided things up to auction.

71.—With regard to the auction mentioned in the preceding article, the provisions of articles 48, 49, 52 to 66, paragraphs 1 and 3 of article 67 and articles 68 and 69 apply *mutatis mutandis*.

A bidder shall, at the same time of his bidding, deposit the amount of money corresponding to five hundredths (5 per cent.) of the lowest (reserve) price of the sale either in cash or by valuable securities.

72.—The successful bidders who have participated in the auction in accordance with paragraph 1 of article 50 shall become promoters and form a company.

73.—The company promoted by the successful bidders, or the company who are the successful bidders, shall apply for a formal charter within three months from the day on which adjudication has become final and conclusive.

74.—Where the company promoted by the successful bidders apply for a formal charter the following papers shall be attached to the application:—

(1) Articles of association;

(2) Where the promoters have undertaken the whole of the shares, a copy of the report returned by the inspector to the court, and a copy of the rule rendered by the court upon hearing the report of the inspector;

(3) Where subscriptions for shares are invited, a copy of the instruments of subscription, the gist of the report rendered by the promoters, directors, auditors or inspectors, at the general meeting for organisation, and the gist of the transactions at the general meeting for organisation, and of resolutions passed.

75.—In the case of a company who are the successful bidders applying for a formal charter, it shall be done in accordance with a resolution passed in the same manner as in the case of alteration of articles of association.

Application for a formal charter shall be made at the same time with application for sanction of a resolution altering articles of association.

76.—When an application is made according to the preceding three articles the proper authorities shall issue a formal charter.

77.—A formal charter will become valid when the purchase-money in auction has been paid by the company.

When the formal charter has become valid, the company succeed to the rights and obligations

appertaining to the original charter.

78.—With regard to the compulsory administration, the provisions of article 43 and articles 45 to 47 apply *mutatis mutandis*.

79.—When a rule ordering the commencement of a compulsory administration has become final and conclusive, the court shall forward a copy of the rule to the proper authorities.

80.—Should a copy of the rule mentioned in the preceding article have been received, the proper authorities shall appoint one or more administrators; provided that the applicant for the compulsory administrators may recommend suitable persons.

A commercial company may become administrators.

81.—The proper authorities shall supervise the administrators, give instructions in regard to the manner of administration and fix the amount of remuneration to be given to the administrators.

With regard to the matters mentioned in the preceding paragraph, the proper authorities may hear the opinion of the debtor, the owner of the railroad estate, the mortgagee and experts.

The proper authorities may order security to be deposited by an administrator, or revoke the appointment of an administrator.

82.—When the proper authorities have either appointed or revoked the appointment of an administrator, the fact shall be notified to the debtor, the owner of the railroad estate, the mortgagee and the court.

83.—When the owner of the railroad estate has been notified of the appointment of an administrator, the railroad estate shall forthwith be delivered to the administrator.

The administrator may demand of the owner of the railroad estate the delivery of papers and other things necessary for the administration.

Should the owner of the railroad estate have not effected the delivery mentioned in the preceding two paragraphs, the court shall, upon application of the administrator, order a bailiff to effect such delivery.

84.—The applicant for a compulsory administration shall, upon the demand of the administrator, disburse the expenses of the administration.

85.—An administrator shall perform all acts of legal procedure or otherwise necessary for the administration or the raising profits of the railroad estate.

86.—An administrator has the responsibility of a director *vis-a-vis* the Government authorities in regard to the administration of the railroad estate.

87.—The administrator shall, at the end of each business year, deduct from the revenue in turn the expenses of the administration, remuneration of the administrator, taxes and other

public imposts, the balance remaining being paid to the mortgagee.

88.—The administrator shall hand in a report of the accounts to the proper authorities at the end of each business year.

The proper authorities shall forward to the debtor, owner of the railroad estate, and the mortgagee, a copy of the report of the accounts mentioned in the preceding paragraph, and demand of them that should they have any objection thereto, such objection shall be declared within a fixed period of time.

Persons who have not sent in any objections within the period of time specified in the preceding paragraph are regarded to have admitted the accounts.

Should any one lodge an objection, the proper authorities will decide it after hearing the administrator; this decision is final and conclusive.

89.—The administrator may not deliver the amount to be distributed to the mortgagee unless the period of time mentioned in paragraph 2 of the preceding article has elapsed, or until after the decision mentioned in paragraph 4 of the preceding article has been given.

When the administrator has delivered the amount which is to be distributed, the name of the mortgagee and the amount distributed to him shall be notified to the proper authorities and the court.

90.—The cancellation of a compulsory administration is made by a rule of a court.

When the mortgagee who has applied for a compulsory administration has obtained satisfaction of his claim, the court shall order the cancellation of the compulsory administration.

In a case where the applicant for the compulsory administration fails to make disbursement of the expenses of the administration the court may, upon application of the administrator, order the cancellation of the compulsory administration.

91.—With regard to the case of paragraph 2 of the preceding article, the provisions of paragraphs 2 and 3 of article 68 apply *mutatis mutandis*.

With the exception of the case of the preceding paragraph, the provisions of article 69 apply *mutatis mutandis* to the cancellation of a compulsory administration.

#### CHAPTER IV.

##### PENAL PROVISIONS.

92.—In the following cases, a director or an administrator is dealt with by the imposition of a fine of not less than *yen* 10 and not exceeding *yen* 1000 :—

(1). Where the decisions specified in this law are not duly observed;

(2). Where the provisions of article 9 are infringed;

(3). Where the notices mentioned in articles 20 or 21 are not given ;

(4). Where fraudulent application is made in regard to registrations, or where no application is made for the registration mentioned in article 31, or where fraudulent entries are made in the inventory of a railroad estate ;

(5). Where the report mentioned in article 34 is not rendered, or a fraudulent report is rendered ;

(6). Where the order of the proper authorities regarding the manner of the administration is infringed ;

(7). Where no report of the account mentioned in article 88 is handed in, or where a fraudulent report is made ;

(8). Where the amount to be distributed is not delivered, or where the amount to be distributed is delivered in violation of the provisions of article 87 or paragraph 1 of article 89 ;

(9). Where the notice mentioned in paragraph 2 of article 89 is not made.

93.—The provisions of articles 206 to 208 of the Law of Procedure relating to non-contentious matters apply *mutatis mutandis* to the fine specified in the preceding paragraph.

SUPPLEMENTARY PROVISIONS.

The day on which this law will become operative shall be determined by Imperial Ordinance.

UNITED STATES LEGATION,  
TOKIO.

RECEIVED

APR 24 1905

BUREAU.

No. —

April 4, 1905.



MR. GRISCOM TO MR. HAY.

*Ask Legation whether  
there is any change*

*Ans June 27  
W.H.*



SUBJECT: "Amlegation" registered as the Legation's cable-  
address for telegrams.

CHIEF CLERK,  
APR 24 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. —

April 4, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to the Department's  
circular instruction of December 29, 1904,  
I have the honor to report that as there-  
in directed, I have registered "Amlegation"  
as the cable-address for telegrams of this  
Legation.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

UNITED STATES LEGATION,  
TOKIO.



DIPLOMATIC BUREAU.

*To Com. & Labor. for pub.  
action if deemed ap-  
propriate -*

April 4, 1905. Act.

*Did so  
April 27 1905  
R. E.*

No. 219.

EXHIBIT

APR 24 1905

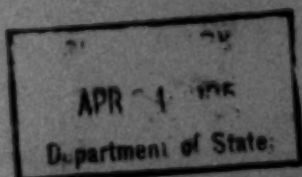
BUREAU.



Mr. Griscom to Mr. Hay.

FOR RELS. 1905.

SUBJECT:-New Mining Law of Japan.



UNITED STATES LEGATION,  
TOKIO.

No. 219.

April 4, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

Sir:-

I have the honor to transmit herewith three copies of a translation of the Mining Law which was enacted at the recent session of the Japanese Parliament.

The portion of this law which particularly affects foreigners who desire to engage in mining in Japan is embodied in Article V, which reads:

"No persons other than subjects of the Empire, or  
"companies duly formed in accordance with the laws thereof,  
"are entitled to acquire mining rights."

In this connection it may be noted that foreigners, resident in Japan, can organize such companies.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

ENCLOSURES:- *omit*

Three copies (translations) of Mining Law of Japan.



# MINING LAW.

(LAW NO. 45 OF THE 38TH YEAR OF MEIJI.)

PROMULGATED BY IMPERIAL ORDER ON THE 7TH  
DAY OF THE 3RD MONTH OF THE 38TH  
YEAR OF MEIJI (7TH MARCH, 1905.)

TRANSLATED BY J. E. DE BECKER.

## CHAPTER I.—GENERAL PROVISIONS.

Art. I.—The expression *Mining* (*kōgyō* 鑛業) in this law means prospecting (*shikutsu* 試掘) and mining (*saikutsu* 採掘) for mineral ores including all operations ancillary thereto.

Art. II.—The expression *mineral ore* (*kōbutsu* 鑛物) in this law means:—Ores of Gold, Silver, Copper, Lead, Bismuth, Tin, Antimony, Mercury, Zinc, Iron, Iron Pyrites, Chromite, Manganese, Tungsten, Molybdenite, Arsenic, Phosphates, Graphite, Coal, Lignite, Petroleum Oil, Asphalt, and Sulphur. It does not, however, include mineral dust (alluvial or sedimentary deposits).

Art. III.—All unmined minerals (including rejected ores and tailings) are the property of the State.

Art. IV.—The term *mining right* (*kōgyō-ken* 鑛業權) in this law includes both the right of prospecting and the right of mining.

Persons entitled to a mining right have a right of mining and acquiring, within the limit of their mining areas (*koku* 領區 "concessions"), the mineral in respect to which they have obtained permission: provided that in case of coincident mining areas, persons entitled to mining rights are mutually limited to the exercise of their respective rights.

Art. V.—*No persons other than subjects of the Empire, or companies duly formed in accordance with the laws thereof, are entitled to acquire mining rights.*

Art. VI.—Rights and obligations determined by this law as appertaining to persons entitled to mining rights are transferred and pass with the mining rights.

Proceedings taken and acts performed in accordance with the provisions of this law are valid as against the successors of persons intending to make application for mining, persons applying for mining, persons entitled to mining rights, landowners, or persons concerned.

Art. VII.—When two or more persons jointly carry on, or desire to jointly carry on the business of mining, one of them is to be selected as their representative, and this must be notified to the Chief of the Mine Inspection Office. When no such notification is made, the Chief of the Mine Inspection Office shall designate the representative.

The representative represents, *vis-à-vis* the State, persons jointly applying for mining and the persons jointly possessed of mining rights.

Persons jointly applying for mining, or persons jointly possessed of mining rights shall be considered as having entered into a contract of association.

Art. VIII.—The expression *mine laborer* in this law means a laborer employed in mining.

Art. IX.—The expression *mining area* (concession) in this law means an area of land in respect to which mining rights have been registered.

The boundaries of mining areas are determined by straight lines and are limited under these to the same measurement as the surface, the boundary lines descending perpendicularly. The extent of one mining area shall be from 50,000 *tsuhos* (about 42 acres) upwards for coal, and from 5,000 *tsuhos* (about 4 acres) upwards for other minerals, and shall not in either case exceed

1,000,000 *tsubos* (about 826 acres); provided, however, that in cases where it is actually necessary for the protection of mining interests, or the division of mining areas, the limit of 1,000,000 *tsubos* may be exceeded.

Two, or more than two, mining rights may not be created in respect to the same mining area, except when the subject of such rights are different kinds of minerals, and in the case contemplated in Article 36.

Art. X.—No place within 300 *ken* (600 yards) in every direction from Imperial Palaces, Imperial Detached Palaces, Imperial Shrines and Imperial Mausolea or within the first district of fortified land (要塞地帯第一區) may be made mining areas.

No places within 300 *ken* (600 yards) in all directions from naval ports, ports of strategic importance, gunpowder factories, gunpowder magazines, and ammunition store houses, or within the second and third districts of fortified land (要塞地帯第一區及第二區) may be made mining areas unless the permission of the competent authorities has been obtained.

No places mentioned in the preceding two paragraphs may be used for mining purposes unless the permission of the respective competent authorities has been obtained.

Art. XI.—No mining operation may be carried on in places within 30 *ken* (60 yards) in all directions (whether at the surface or in the interior of the earth) from railways, tracks, roads, canals, rivers and lakes, marshes and ponds, embankments, the precincts of temples and shrines, cemeteries, public gardens, and all other constructions and buildings; nor may such places be used for mining purposes, unless, in both cases, the permission of the competent authorities, or the consent of the owner or persons concerned, has been obtained: Provided however that the owner or persons concerned may not refuse such consent unless for proper and valid reasons.

Art. XII.—The provisions relating to applications for mining are applicable *mutatis mutandis* to applications for the correction, increase or decrease, and revision of land in respect to which application has been made for mining, and to mining areas.

Art. XIII.—The expression *mining tax* in this law means taxes imposed on mining areas and on mining production.

Art. XIV.—This law is, with the exception of Chapter VIII., applicable to the mining undertakings of the State.

#### CHAPTER II.—MINING RIGHTS.

Art. XV.—Mining rights are to be classed as rights *in rem*, and the provisions relating to immovables (with the exception of the provisions of Par. I of Article 179 of the Civil Code) are applicable *mutatis mutandis* thereto.\*

Art. XVI.—Mining rights shall be undivisible.

Art. XVII.—Mining rights may not be made the subject of rights other than those of succession, transfer, measures adopted in connection with non-payment of national taxes, and distraint (compulsory execution); but rights of mining may be made the subject of a right of mortgage.

Art. XVIII.—The term of a right of prospecting is two years, calculated from the date of recording in the Mining Register.

The term specified in the preceding paragraph will not be changed on account of any correction, increase or decrease, or revision of the mining area.

Art. XIX.—The creation, alteration, transfer, extinction, disposition of mining rights and rights of mortgage shall be recorded in the Mining

\* When the right of ownership and some other right *in rem* in respect of the same thing are vested in the same person, the right *in rem* ceases. But this rule does not apply to cases where the thing, or the right *in rem*, is subject to the right of a third person (Civil Code Par. 1 of Article 179).

Register.† The same applies to the withdrawal of a person jointly entitled to a mining right. Provided however that in a case where the disposition of a mining right has been restrained (limited) no record of relinquishment of business can be made.

The record mentioned in the preceding paragraph shall take the place of registration.

Rules relating to record will be determined by Order.

Art. XX.—With the exception of the cases of succession, of extinction of a mining right on account of the expiration of the term and of auction specified in Articles 42 and 43, the matters mentioned in Par. 1 of the preceding article shall not be of valid effect unless recorded.

Art. XXI.—Persons wishing to engage in mining shall apply to the Chief of the Mine Inspection Office in respect to prospecting, and to the Minister of Agriculture and Commerce in respect to mining, the application being accompanied by a map of the mining area.

Art. XXII.—Persons applying for mining may effect a change in the name of the applicant. In this case, such change shall not be of valid effect unless a notification has been made to the Chief of the Mine Inspection Office in respect to prospecting, and to the Minister of Agriculture and Commerce in respect to mining.

Art. XXIII.—Persons applying for mining shall prove the existence in the land in respect to which application is made of the mineral intended to be mined.

Art. XXIV.—Should the Chief of the Mine Inspection Office deem land in respect to which application is made for prospecting, suitable for mining, he shall order an application for mining to be made.

In the case contemplated in the preceding paragraph, should no application for mining be made

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† *Id.* The record in the Mining Register will take the place of registration in a Court.

within 60 days from the date of service of the order, the application for prospecting shall not be granted.

The provisions of the preceding two paragraphs apply *mutatis mutandis* to a case where the Minister of Agriculture and Commerce deems further prospecting necessary on the land in respect to which application for mining is made.

Art. XXV.—When it is deemed that the position and shape of land in respect to which application is made for mining differs from the position and shape of mineral formation and that consequently they will be injurious to mining interests, the Minister of Agriculture and Commerce shall order an application to be made for amendment thereof.

In the case contemplated in the preceding paragraph, should no application for amendment be made within 60 days from the day of service of the order, the application for mining shall not be granted.

Art. XXVI.—When it is deemed that the position and shape of land in respect to which application is made for mining differ from the position and shape of the mineral formation, and that consequently they will be injurious to mining interests, the applicant for mining may apply for an amendment thereof.

Art. XXVII.—Mining applicants may apply for an increase or decrease of the area of land in respect to which application has been made.

Art. XXVIII.—In case land, in respect to which an application for prospecting has been made, falls within a mining area belonging to another person at the time of making such application, should it be made for the same kind of mineral, permission shall not be granted in respect to such portion of the land as is coincident with the mining area.

Art. XXIX.—In case land, in respect to which an application for mining has been made, falls within a mining area belonging to another person

at the time when such application is made, should it be made for the same kind of minerals, permission shall not be granted in respect to such portion of the land as is coincident with the mining area, The case contemplated in Article 36 is, however, excepted.

Art. XXX.—In case land, in respect to which an application for mining has been made, falls within land under application for prospecting, made by another person, should it be made for the same kind of mineral, the provisions of Pars. I. and II. of Article 24 shall be applied *mutatis mutandis* to the coincident portion of the land.

Art. XXXI.—In case land, in respect to which an application for mining has been made, is coincident with a mining area owned by another person, should it be made for a different kind of mineral, the Chief of the Mine Inspection Office shall notify the person possessed of the mining right to that effect.

The person possessed of the mining right may himself apply within 60 days *from the date of service of the order* mentioned in the preceding paragraph, for permission to mine such minerals.

The provisions of the preceding two paragraphs do not apply to the case contemplated in Art. 36, or to cases where the previous consent of the person entitled to the mining right has been obtained.

The application mentioned in Par. 1 shall not be granted, if it be deemed to obstruct the mining operations of other persons.

Art. XXXII.—Applications for mining shall not be granted should they be deemed injurious to the public welfare or unworthy of the undertaking.

Art. XXXIII.—In the case of coincident prospecting areas, or of coincident mining areas in respect to which application has been made, the person whose application has been despatched earliest shall have the preferential right relative to such coincident portion. When the dates of despatch of applications are identical, the Chief

of the Mine Inspection Office shall notify each applicant to that effect. In this case, the applicants shall arrange the matter between themselves and make a report to that effect within 60 days from the date of sending such order.

In case applicants do not make the report specified in the preceding paragraph, the person entitled to the preferential right shall be determined by means of drawing lots.

The provisions of the two preceding paragraphs are not applicable to cases contemplated in Arts. 25 and 26, Par. 2 of Art. 31 and Art. 36.

In the case of land in respect to which application for prospecting is made being identical to land regarding which application for mining is made, should the date of the despatch of the applications be the same the applicant for mining shall be entitled to the preferential right as regards the coincident portion of the land.

Art. XXXIV.—In case a person applying for permission to prospect makes a further application for permission to mine the same kind of mineral, should the land under application be coincident, the application for mining shall be considered to take the place of the application for prospecting on the date of sending the latter application with regard to such coincident portion of the land under application. This rule does not, however, apply to the case contemplated in Par. 4 of the preceding article.

The provisions of the preceding paragraph are applicable *mutatis mutandis* to cases where an applicant for mining makes a further application for prospecting relative to the same kind of minerals.

The provisions of the preceding two paragraphs do not apply to applications made after the expiration of the term in cases contemplated in Arts. 24 and 25.

Art. XXXV.—Persons entitled to a right of mining may make application to the Minister of Agriculture and Commerce for the amalgamation or partition of mining areas. The same applies

to cases where a portion of a mining area is to be amalgamated with another mining area.

When a right of mortgage has been created, should it be desired to make the application mentioned in the preceding paragraph, the consent of the mortgagee shall be obtained and arrangements made respecting the rank of the right of mortgage.

Art. XXXVI—Should it be necessary, on account of the position and shape of mineral formations, to dig into a mining area belonging to another person, an amendment of the mining area may be applied for upon obtaining consent of the person entitled to a mining right in respect to the adjacent mining area. The person entitled to a mining right in respect to the adjacent mining area may not refuse his consent without valid and proper ground.

Art. XXXVII—The provisions of Par. 1 of Art. 25, Art. 26, Art. 27, and Par. 3 of Art. 33 are applicable *mutatis mutandis* to mining areas.

In cases corresponding to Par. 1 of Art. 25 should no application be made within 60 days from the date of service of the order, cancellation of rights of mining shall be made by the Minister of Agriculture and Commerce.

When a right of mortgage has been created, should it be desired to make application for a decrease of a mining area the consent of the mortgagee shall be previously obtained.

Art. XXXVIII—In case an application for mining has been granted in mistake or error, revision of the mining area shall be ordered or cancellation of the mining right shall be made by the Minister of Agriculture and Commerce.

In the case of a revision contemplated in the preceding paragraph being ordered, should no application be made within 60 days from the date of service of the order, the Minister of Agriculture and Commerce shall cancel the mining right.

Art. XXXIX—When mining operations are deemed injurious to the public welfare, the Minister of Agriculture and Commerce shall cancel the mining right.

Art. XL.—If, without any valid reason, a person entitled to a mining right does not commence operations within one year from the date of the record in the Mining Register, or if he has suspended operations for more than one year, or if he has not mined in accordance with the scheme of work, the Minister of Agriculture and Commerce may cancel the mining right.

Art. XLI.—In case a person entitled to a mining right fails to comply with the order specified in Art. 72, the Minister of Agriculture and Commerce may cancel the mining right.

Art. XLII.—When a right of mining has been cancelled the Chief of the Mine Inspection Office shall give immediate notice to any mortgagee thereof.

The mortgagee may, within 30 days from the date of receipt of the notice mentioned in the preceding paragraph, demand that the right of mortgage be put up to and sold at public auction. Cases where cancellation of a right of mining is made in accordance with the provisions of Par. 1 of Art. 38 and Art. 39 are, however, excepted.

Rights of mining shall be regarded as continuing to be valid, until the time mentioned in the preceding paragraph, or the day on which the auction procedure has been completed, so far as the object of the public auction is concerned.

The proceeds of the auction shall be applied to the expenses of the auction and to the repayment of monies owing to the mortgagee; the balance shall revert to the Treasury.

Purchasers by auction shall be deemed to have had the right of mining transferred to them at the time when the cancellation thereof has been recorded.

Art. XLIII.—The provisions of the preceding article are applicable *mutatis mutandis* to cases where a person possessed of a right of mining has relinquished his business.

Art. XLIV.—Persons possessed of rights of mining shall hand in a scheme of intended operations to the Chief of the Mine Inspection Office as

determined by Order. The same is applicable to cases where a change has been made in the programme.

Persons possessed of rights of mining may not engage in mining unless in accordance with a regular scheme of operations.

Art. XLV.—The Chief of the Mine Inspection Office may point out his reasons and order alterations to be made to schemes of work.

The schemes altered in accordance with the provisions of the preceding paragraph shall not be changed unless the permission of the Chief of the Mine Inspection Office has been obtained.

Art. XLVL.—Persons having rights of mining shall keep a plan of the interior of the mine and a mining book at their mining offices, as determined by Order; and duplicate copies of the same shall be handed in to the Chief of the Mine Inspection Office.

\* Art. XLVII.—Persons having rights of mining shall hand in to the Chief of the Mine Inspection Office a statement of particulars relating to their mining operations as determined by Order.

Art. XLVIII.—Mining products acquired in the course of prospecting may not be disposed of unless the permission of the Chief of the Mine Inspection Office has been obtained.

Art. XLIX.—Persons possessed of mining rights, or persons interested, may apply to the Chief of the Mine Inspection Office for actual investigation to be made in respect to adjacent mining areas belonging to other persons.

Applicants must furnish labour and materials necessary for the investigation mentioned in the preceding paragraph.

### CHAPTER III.—EMPLOYMENT OF LAND.

Art. I.—The expression *persons concerned* (關係人) in this chapter includes persons possessing rights relative to land which may be employed or acquired prior to the service of the notice mentioned in Articles 52 to 54 and

Article 56; also those who have succeeded, subsequent to the service of the notice, to rights which existed prior to the service of such notice.

Art. LI.—The expression *compensation* (償補金) in this chapter includes consideration, land rents, and all other compensation for loss ordinarily accruing to land-owners or persons concerned.

Art. LII.—When it is necessary for the purpose of making an application to be allowed to mine, or when it is necessary for mining purposes, persons intending to apply to be allowed to mine, mining applicants, and persons entitled to mining rights, may, upon receiving permission from the Chief of the Mine Inspection Office, enter upon land belonging to other persons to make surveys and inspections.

When persons who have obtained the permission mentioned in the preceding paragraph intend to enter upon land belonging to others, they shall previously notify the possessors of such land.

Art. LIII.—If necessary to the survey or investigation which is to be made according to the provisions of the preceding article, any object forming an obstacle may be removed after obtaining the permission of the Chief of the Mine Inspection Office.

In case persons who have obtained the permission specified in the preceding paragraph intend to remove any object forming an obstacle, they shall previously notify the owner or possessor thereof.

Art. LIV.—If necessary to avert imminent danger relative to mining, persons entitled to mining rights may, upon receiving permission from the Chief of the Mine Inspection Office immediately enter upon or use land belonging to other persons.

In the case contemplated in the preceding paragraph, persons entitled to mining rights shall, without delay, notify the possessor of the land.

Art. LV.—With regard to loss sustained by land-owners or persons concerned in accordance

with the preceding three articles, compensation for same must be paid when demanded.

Art. LVI.—Persons entitled to mining rights may use lands belonging to other persons when necessary for the following purposes:—

1. Boring, opening shafts or tunnels ;
2. Providing depôts or store places for ores, earth and stones, explosive compounds, lumber, fire-wood and coals, tailings, slag or ashes ;
3. Constructing reducing plants ;
4. Laying or constructing railways, tracks, roads, canals, drains, flumes, ponds and wells, wire rope-ways or electric wires ;
5. Building and constructing other works or constructions necessary to mining.

When persons entitled to mining rights intend to use land belonging to other persons in accordance with the provisions of the preceding paragraph, the permission of the Chief of the Mine Inspection Office shall be obtained.

When the Chief of the Mine Inspection Office has given the permission mentioned in the preceding paragraph, notice to that effect shall be given to the land-owners and persons concerned.

Subsequent to giving the notice mentioned in the preceding paragraph, persons entitled to mining rights shall confer with the land-owners and persons concerned with a view to the acquisition of rights relating to the land.

Art. LVII.—When land has been used (使用) for a period exceeding three years, or the shape or nature of the land is altered, the owner may demand the purchase (收用) of the land.

Art. LVIII.—If owing to the purchase (收用) of a portion of the land, the remaining portion of the land cannot be employed for the purpose for which it was used in the past, the land-owner may demand the purchase (收用) of the whole land.

Art. LIX.—When land is to be employed (使用) (hired) or purchased (收用), compensation for same shall be paid to the land-owner and to the person concerned.

Art. LX.—If, owing to the employment (使用) or purchase (收用) of a portion of land, the value of the remaining portion of the land is reduced, or any loss sustained relative to such remaining portion, compensation for same shall be paid.

Art. LXI.—If, owing to the employment of land on lease (使用) or purchase (收用), necessity arises to build, rebuild, enlarge or repair passages, drains, fences and other constructions, compensation shall be paid for same.

Art. LXII.—If, subsequent to the service of the notice mentioned in Article 56 it is intended to change the shape and nature of the land, or to build, rebuild, enlarge, or extensively repair any constructions, or to affix or add any objects, the land-owner or persons concerned shall obtain permission of the Chief of the Mine Inspection Office. Persons who have done the above acts without obtaining such permission are precluded from demanding compensation relative thereto.

Art. LXIII.—Persons entitled to mining rights shall pay compensation in respect of any loss sustained by the land-owner or persons concerned on account of abandonment or alteration of enterprises subsequent to the service of the notice specified in Article 56.

Art. LXIV.—Land-owners and persons concerned may require persons entitled to mining rights to furnish proper security relative to compensation.

Art. LXV.—When an arrangement has been made, a decision become conclusive, or a judicial judgment rendered regarding the employment (使用) or purchase (收用) of land, even though a decision relative to the compensation or security has not become conclusive, a person entitled to a mining right may employ (使用) or purchase (收用) the land by depositing (in a Public Deposit Office) compensation, or by furnishing security in accordance with the said decision.

Art. LXVI.—In case a person entitled to a mining right has made neither payment nor deposit of compensation, nor tendered security, land-owners and persons concerned may refuse to permit the employment of land.

Art. LXVII.—In case land is employed by purchase (收用) the ownership of the land shall be acquired by the person entitled to the mining right, and other rights over the land shall be extinguished from the time of the employment (收用).

In case of land employed (on lease) (使用), the right of employment shall be acquired by the person entitled to the mining right from the time of employment (使用), and the exercise of other rights over the said land shall, with the exception of rights which do not obstruct its use, be suspended during the term of employment (使用).

Art. LXVIII.—When the employment (使用) of land has ceased, the person entitled to the mining rights shall restore the land to its original state, or pay compensation for any loss arising on account of not restoring it to its original state, and return the land.

Art. LXIX.—Preferential rights, rights of pledge, or rights of mortgage, may be executed in respect to any compensation payable to a debtor on account of employment (使用) or purchase (收用) of the matter forming the subject of such right; but attachment must be made before the payment of same.

Art. LXX.—The provisions relating to the compulsory use (使用) or purchase (收用) are applicable *mutatis mutandis* to rights relative to the use of water.

#### CHAPTER IV.—MINING POLICE.

Art. LXXI.—The following police affairs relating to mining shall be conducted by the Minister of Agriculture and Commerce and the Chief of the Office for the Control of Mines, as determined by Order:—

1. Preservation of peace relative to constructions and works ;
2. Protection of life and public health ;
3. Precaution against dangers and protection of other public welfare.

Art. LXXII.—When danger is apprehended in respect to mining, or when it is deemed injurious to public welfare, the Minister of Agriculture and Commerce shall order persons entitled to mining rights to take precautionary measures or to suspend mining operations.

When necessary in order to avert imminent danger, the Chief of the Mine Inspection Office may take the measures mentioned in the preceding paragraph.

Art. LXXIII.—The Minister of Agriculture and Commerce may order persons entitled to the right of mining to appoint or make a change in the appointment of managers to be in charge of technical matters.

Rules relating to the qualification and functions of managers shall be determined by Order.

Art. LXXIV.—Even subsequent to termination of a mining right, the Minister of Agriculture and Commerce, and the Chief of the Mine Inspection Office may, within a period of one year from such termination, order a person who was entitled to such mining right to take precautionary measures against danger by correspondingly applying the provisions of Art. 72.

A person who has received the order mentioned in the preceding paragraph shall be considered to be a person entitled to mining rights so far as the object of taking precautionary measures against danger is concerned.

#### CHAPTER V.—MINE LABOURERS.

Art. LXXV.—Persons entitled to rights of mining shall establish regulations relating to the hire and employment of mine labourers (礦夫), and obtain official permission *or* same from the Chief of the Mine Inspection Office.

Art. LXXVI.—A person entitled to mining rights shall, in accordance with the terms of Orders in that behalf, provide and keep a Mine Labourers Register at his mining office.

Art. LXXVII.—When a person entitled to mining rights has discharged a mine labourer, he shall, upon demand, give to the labourer a certificate showing the period of his engagement, the class of work in which he has been employed, his ability, his wages, and the cause of his discharge.

Art. LXXVIII.—A person entitled to mining rights shall determine one or more dates in each month and pay to the mine labourers, in currency, their wages at such specified times or times.

Art. LXXIX.—The Minister of Agriculture and Commerce may limit the age of mine labourers, working hours, and limit the class of female and child labour.

Art. LXXX.—In case a mine labourer has been wounded, fallen ill or died owing to mining operations on account of no gross fault of his own, the person entitled to mining rights shall grant relief to the labourer or his surviving relatives.

#### CHAPTER VI.—MINING TAXES.

Art. LXXXI.—Mining Taxes will be imposed upon persons entitled to mining rights.

With regard to gold, silver, lead and iron ores, no tax on the mining production will be imposed.

Art. LXXXII.—With regard to mining, no business tax will be imposed upon persons entitled to mining rights.

Art. LXXXIII.—The tax imposed upon mining areas shall be 10 *sen* per annum in respect to prospecting and 40 *sen* per annum in respect to mining for each and every 1,000 *tsubo* ( $\frac{4}{5}$ ths of an acre) of mining area and any fraction of 1,000 *tsubo* ( $\frac{4}{5}$ ths of an acre) shall be considered as 1,000 *tsubo* ( $\frac{4}{5}$ ths of an acre).

Art. LXXXIV.—During December in each year, the tax imposed upon mining areas for the following year shall be paid in advance.

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2. Protection of life and public health ;
3. Precaution against dangers and protection of other public welfare.

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When necessary in order to avert imminent danger, the Chief of the Mine Inspection Office may take the measures mentioned in the preceding paragraph.

Art. LXXIII.—The Minister of Agriculture and Commerce may order persons entitled to the right of mining to appoint or make a change in the appointment of managers to be in charge of technical matters.

Rules relating to the qualification and functions of managers shall be determined by Order.

Art. LXXIV.—Even subsequent to termination of a mining right, the Minister of Agriculture and Commerce, and the Chief of the Mine Inspection Office may, within a period of one year from such termination, order a person who was entitled to such mining right to take precautionary measures against danger by correspondingly applying the provisions of Art. 72.

A person who has received the order mentioned in the preceding paragraph shall be considered to be a person entitled to mining rights so far as the object of taking precautionary measures against danger is concerned.

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Art. LXXVI.—A person entitled to mining rights shall, in accordance with the terms of Orders in that behalf, provide and keep a Mine Labourers Register at his mining office.

Art. LXXVII.—When a person entitled to mining rights has discharged a mine labourer, he shall, upon demand, give to the labourer a certificate showing the period of his engagement, the class of work in which he has been employed, his ability, his wages, and the cause of his discharge.

Art. LXXVIII.—A person entitled to mining rights shall determine one or more dates in each month and pay to the mine labourers, in currency, their wages at such specified times or times.

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Art. LXXXIV.—During December in each year, the tax imposed upon mining areas for the following year shall be paid in advance.

With the exception of the case contemplated in Paragraph 1 of Article 35, taxes on mining areas which become payable or deficient owing to recording the creation or alteration of a right of mining, and which are for the year of the record, shall be paid immediately.

Amount of taxes imposed upon mining areas payable in accordance with the preceding paragraph, will be calculated at the monthly rate. The same is applicable to taxes for the last year of the term of a right of mining.

Art. LXXXV.—The amount of tax imposed on mining productions shall be one per cent. of the value thereof.

With regard to the value of mining productions, the average price of the principal markets shall be taken as a basis, and the same will be publicly notified by the Minister of Agriculture and Commerce. With regard to productions relative to which public notification is not made, the value will be examined into and determined in each case.

Art. LXXXVI.—Taxes on mining productions for the previous year shall be paid during March in each year, provided, however, that they shall be paid immediately in the case of the extinction of rights of mining.

Art. LXXXVII.—Persons jointly entitled to mining rights shall be jointly and severally responsible for the payment of taxes.

Art. LXXXVIII.—Hokkaido, Urban. and ordinary Prefectures, as well as Cities, Towns and Villages may levy an additional tax on the mining taxes not exceeding Ten (10) per cent. of the principal tax.

With the exception of the additional tax mentioned in the preceding paragraph, Hokkaido, Urban and ordinary Prefectures, as well as Cities, towns and villages, may not levy taxes upon mining operations nor taxes based upon mine labourers, mining productions, mining areas, constructions, instruments, or machinery used for the direct mining purposes.

The provisions of the two preceding paragraphs are applicable *mutatis mutandis* to "Ku" (administrative divisions), "Magiri," (divisions of a county) and islands in Hokkaido and Okinawa Prefecture, and to those places considered equal to towns or villages.

CHAPTER VIII.—PETITIONS, SUITS AND DECISIONS.

Art. LXXXIX.—A person dissatisfied with a permission given, or refusal of application made, relative to mining, may lodge a petition (訴願), and, if he consider his rights unlawfully injured, may bring an administrative suit (行政訴訟).

Art. XC.—A person who has been refused the consent mentioned in Article 11 or 36 or who is unable to obtain such consent, may apply to the Chief of the Mine Inspection Office for a decision.

A person dissatisfied with the decision mentioned in the preceding paragraph may lodge a petition, and if he consider his rights unlawfully injured, may bring an administrative suit.

Art. XCI.—Persons dissatisfied with the cancellation of a mining right may lodge a petition, and if they consider their rights unlawfully injured, they may bring an administrative suit.

Art. XCII.—In case no arrangement has been made or an arrangement cannot be made as to the employment of land on lease (使用) or purchase, (收用) compensation, or security, persons entitled to mining rights may apply for the decision of the Chief of the Mine Inspection Office.

Persons dissatisfied with the decision regarding lease (使用) or purchase (收用) of land mentioned in the preceding paragraph may lodge a petition, and, if they consider their rights unlawfully injured, may bring an administrative suit.

Persons dissatisfied with the decision regarding compensation or security mentioned in Par. 1 may bring a suit in an ordinary court of law (通常裁判所).

Art. XCIII.—Neither petition nor suit may be brought after the expiration of thirty days from the date of service of the notice of disposition or decision.

With regard to persons who have not received notice of disposition or decision, the term mentioned in the preceding paragraph shall be calculated from the date of public notification thereof.

#### CHAPTER XIII.—PENAL PROVISIONS.

Art. XCIV.—Persons who have mined minerals without possessing mining rights, or who have obtained mining rights by fraudulent acts (詐偽ノ所爲), shall be punished by major imprisonment not exceeding two years or a fine not exceeding *yen* 1,000.

Persons who, through error or mistake, have mined minerals outside the mining areas shall be punished by a fine not exceeding *yen* 500.

Art. XCV.—In the case contemplated in the preceding Article, minerals mined shall be confiscated; and in case they have been either transferred or consumed, the price thereof shall be collected.

Art. XCVI.—Persons who have acted contrary to the provisions of Par. 3 of Article 10 or Article 11, or who do not comply with the orders mentioned in Article 72 or Par. 1 of Art. 74, shall be punished by a fine not exceeding *yen* 200.

Art. XCVII.—Persons who have infringed the provisions of Article 44 or Par. 2 of Article 45 or who do not comply with the orders mentioned in Par. 1 of Article 45 or Par. 1 of Article 73, or who have infringed the provisions of orders issued in accordance with Arts. 79 or 80, shall be punished by a fine not exceeding *yen* 150.

Art. XCVIII.—Persons who have infringed the provisions of Arts 46 to 48, 76 and 78, shall be punished by a fine not exceeding *yen* 100.

Art. XCX.—Persons who have removed any obstruction without having obtained the permission mentioned in Par. 1 of Article 53 or who

have infringed the provisions of Article 75 shall be punished by a fine not exceeding *yen* 50.

The same penalty shall be imposed on persons who have refused to allow competent officials to inspect writings or objects relative to mining or obstructed such inspection. Should, however, express provisions governing the case exist in the Penal Code, punishment shall be inflicted in accordance with that Code.

Art. C.—Persons who have infringed the provisions of Art. 77 shall be punished by a fine not exceeding *yen* 20.

Art. CI.—Persons who have, by fraud or any other dishonest acts (詐偽其他不正ノ所爲), evaded, or attempted to evade, the payment of mining taxes, shall be punished by a fine equal to three times the amount of the taxes thus evaded.

Art. CII.—With regard to persons who have infringed either the provisions of this law or those of any order issued by virtue of this law, the provisions relating to commutation of penalties and aggravation of penalties on account of repetition of offences, and the provisions governing the case of several offences being committed by the same person, shall not be applied.

Art. CIII.—In case a person entitled to mining rights, is a minor, or a a person interdicted from the management of his property, the penal provisions applicable to him by virtue of this law, or the provisions of any order which may be issued in accordance with this law, shall be applied to the legal representatives. Provided, however, that minors who have the same capacity as an adult shall not come under this rule.

Art. CIV.—Should the agents of a person entitled to mining rights, of the head or members of his family, persons residing with him, employees, mine-labourers, and of other persons employed by and serving under him have infringed this law in connection with his business, he cannot be exempted from penalties in accordance with the provisions of this law.

The same holds good with regard to the penal provisions of any order which may be issued by virtue of this law, except when any special provisions to the contrary are included in the order.

Art. CV.—In the case of the preceding two articles neither imprisonment nor police detention can be inflicted.

Art. CVI.—The provisions of Law No. 52, issued in the 33rd year of Meiji (1900) are applicable *mutatis mutandis* to offences foreseen in this law or in any order issued in accordance with this law.

SUPPLEMENTARY PROVISIONS.

Art. CVII.—This law shall be enforced from the 1st of July of the 38th year of Meiji (1905).

The Mining Regulations (鑛業條例) are hereby abolished.

Art. CVIII.—Permission for prospecting given under the Mining Regulations shall be considered as the record of the right of prospecting.

Art. CIX.—Grants of leases given in accordance with the Japanese Mining Law, (日本坑法) and mining privileges granted in accordance with the Mining Regulations (鑛業條例) shall be considered as records of rights of mining. Provided, however, that those privileges which have been granted in respect to mining areas containing less than the minimum extent determined by Par. 2 of Art. 41 of the Mining Regulations (鑛業條例) shall become extinct at the expiration of the term thereof.

Art. CX.—Mining lands belonging to various authorities prior to the enforcement of this law shall be classed as mining areas, and they shall be considered to have been duly recorded on the date of putting this law into operation.

Art. CXI.—A record of pledge of a right of mining which has been made in accordance with the Mining Regulations (鑛業條例) shall be considered as a record of a right of mortgage.

Art. CXII.—The provisions of Art. 74 shall be

applied in cases where permission for prospecting or mining privileges has become extinct prior to the enforcement of this law; provided that the term of one year will be calculated from the date of extinction of such permission or privilege.

Art. CXIII.—Persons who have obtained permission of lease according to the Japanese Mining Law, (日本坑法) and who have obtained permission for prospecting or mining privileges according to the Mining Regulations, (鑛業條例) shall pay in the taxes imposed on their mining areas for the 38th year of Meiji (1905) or any balance thereof within 60 days from the date of the enforcement of this law, such tax being calculated at the monthly rate.

Art. CXIV.—Taxes imposed on mining productions for the 38th year of Meiji (1905) shall be levied on minerals produced previous to the enforcement of this law.

Art. CXV.—The provisions of Article 88 will not be applied to taxes for the 38th year of Meiji (1905).

Art. CXVI.—With regard to any disposition, procedure, or other acts made in accordance with the Mining Regulations (鑛業條例), they shall be considered as made in accordance with this law if corresponding provisions exist in this law.

Art. CXVII.—With regard to petition, demand for a decision, or an administrative or civil suit concerning a disposition which has been made prior to the enforcement of this law, the provisions of the Mining Regulations (鑛業條例) shall be applied.

Art. CXVIII.—With regard to the extent of a mining area in respect to which application has been made for prospecting or mining according to the Mining Regulations, (鑛業條例) the provisions of Par. 2 of Article 41 of the Mining Regulations (鑛業條例) shall be applied.

Art. CXIX.—Should a person who has without cessation, been engaged in the collection of

tungsten (重石礦) or molybdenite (水鉛礦) since prior to 31st December, the 37th year of Meiji (1904), apply for a license for mining such mineral, the privilege will be granted to him, irrespective of the provisions of Articles 31 and 33 and the provisions of Article 9 regarding the extent of mining areas, so far only as regards the area in which he has been engaged in the collection.

In the case of a person engaged in the collection mentioned in the preceding paragraph applying for the privilege before the 31st July, the 38th year of Meiji (1905), he may, irrespective of the provisions of this law, continue the collection until the day on which an official order is given in respect thereto.

In the case of the extent of the area in respect to which privilege has been obtained in accordance with Par. 1 being a fraction of 5,000 *tsubos* (say 4 acres), such privilege will cease to exist after the expiration of 5 years.

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DIPLOMATIC BUREAU.

UNITED STATES LEGATION  
TOKIO.

No. 220.

April 4, 1905.

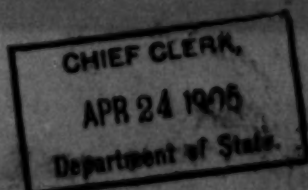


*Records of accounts  
June 1 - 1905  
Returned in accordance with  
order of Mr. Adams attached.*

MR. GRISCOM TO MR. HAY.

*file*

SUBJECT: MR. ALBERT WHEELER employed as Legation clerk.



UNITED STATES LEGATION,  
TOKIO.

No. 220.

April 4, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Acting under the authority of your instruction  
No. 354, of September 21st, 1896, I have employed Mr.  
Albert Wheeler, an American citizen, as clerk in this  
Legation.

The increased work of the Legation makes necessary the employment of a clerk, but I hope by the exercise of a great economy in the expenditure of the Contingent Fund to be able to pay Mr. Wheeler a salary of one hundred dollars a quarter without asking the Department for any increase in the Contingent Allowance.

I have the honor to be,

Sir,

Your obedient servant

*Lopdchisau.*

UNITED STATES LEGATION,  
TOKIO.

No. 220.

April 4, 1905.

To the Honorable John Hay,  
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The increased work of the Legation makes necessary the employment of a clerk, but I hope by the exercise of a great economy in the expenditure of the Contingent Fund to be able to pay Mr. Wheeler a salary of one hundred dollars a quarter without asking the Department for any increase in the Contingent Allowance.

I have the honor to be,

Sir,

Your obedient servant

*Lopchin*

DEPARTMENT OF STATE

Second Assistant Secretary's Office

MEMORANDUM. Apr. 19, 1905.

Mr. Smith

Mr. Morrison

Ans. as in Mr. Morrison's mem.  
adding:

It appears that the  
employment of a clerk for you began  
under the agreement made by the  
instruction of Sept. 21, 1896, has remained  
in abeyance since Dec. 31, 1901, and  
that your present employment of Mr.  
Wheeler in that capacity is by way of  
reviving the original authorization and  
affixing the increased allowance of 1896.  
to the purpose for which it was intended.

In the authorizing the instruction  
of Sept. 21, 1896, is renewed and confirmed  
and your employment of a clerk is approved  
under the conditions then stated and for  
the authorization that has since been made  
for a clerk is to be hereby confirmed and  
the original instruction is hereby confirmed.

Respectfully,

T. H.

April 24, 1905.

Bureau of Accounts.

MEMORANDUM.

Mr. Adee:-

The accounts from Tokyo show that the charge for Clerk-hire(not Librarian)at \$400 per annum was made for the period from October 1, 1896 to December 31, 1901.

There has been no charge for Clerk-hire since the latter date.

The present allowance for Contingent Expenses is at the rate of \$2,250.00. per annum.

Respectfully,

*T. M.*

April 24, 1905.

UNITED STATES LEGATION  
TOKIO.



DIPLOMATIC BUREAU.

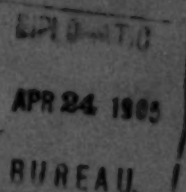
To Secy of Interior.  
Ack. as Mr. Mitchell  
may reply.

No. 221.

April 5, 1905.



*Intro. Apr. 11  
June 26  
C*



*Ans. May 27 June 1  
C*

MR. GRISCOM TO MR. HAY.

*File  
Jy 5*



SUBJECT: Probable projected predatory expedition from  
Tokyo to Atten Island, of the Aleutian group.

DEPT OF STATE  
APR 24 1905  
2ND ASST SECRETARY

DIPLOMATIC BUREAU.

To Secy of Interior.  
Ack. as Mr. Hitchcock  
may reply.

UNITED STATES LEGATION  
TOKIO.

No. 221.

April 5, 1905.



*Intro Apr 11  
June 26*

DEPT. OF STATE  
APR 24 1905  
BUREAU.

*Ans June 26*

*File  
Jy 5*

MR. GRISCOM TO MR. HAY.



SUBJECT: Probable projected predatory expedition from  
Tokyo to Attou Island, of the Aleutian group.

UNITED STATES LEGATION,  
TOKIO.

No. 221.

April 5, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to report that information has reached me through shipping circles in Tokio that an expedition consisting of one or two schooners is planned to leave Tokio probably in the month of May, in order to visit Attou Island, the furthestmost Aleutian Island belonging to the United States, and to net or otherwise take all, or as many as possible, of the salmon in the rivers of that Island. I understand that the Island is occupied by some seventy Indians, who are ready to assist in such depredations.

My information comes from a Japanese who has been engaged to navigate one of the ships and has been paid a portion of his wages in advance. The evidence is hardly definite enough to warrant a protest in advance to the Japanese Government, as it would be quite impossible for me at present to prove that such an expedition is being organized. However, I deem it of sufficient importance to bring the matter to your attention.

I have the honor to be,

Sir,

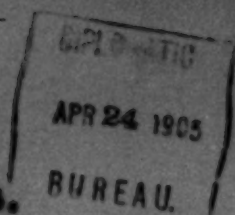
Your obedient servant

*Lloyd Chiscom.*

UNITED STATES LEGATION,  
TOKIO.

No. 222.

April 5, 1905.



*Take and  
to Navy 20th,  
June 26  
H.C.*

*To Navy's  
ack M.J.*

MR. GRISCOM TO MR. HAY.



SUBJECT: Lieutenant Marble, U.S.N., relieves Lieutenant  
Gillis as Naval Attaché.

UNITED STATES LEGATION,  
TOKIO.

No.222.

April 5, 1906.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to your No.105 of February 14, wherein I am notified of the designation of Lieutenant Frank Marble, U.S.N., to succeed Lieutenant I. V. Gillis as Naval Attaché to this Legation, I have the honor to inform you that Lieutenant Marble reported to me on the 1 instant, relieving Lieutenant Gillis from further duty on that date.

I enclose herewith a copy of my note to the Minister for Foreign Affairs advising the Japanese Government of this designation.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom.*

ENCLOSURE: Mr. Griscom to Baron Komura, March 29, 1906.

UNITED STATES LEGATION,  
TOKIO.

No. 222.

April 5, 1906.

To the Honorable John Hay,  
Secretary of State,  
Washington.

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I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom.*

ENCLOSURE: Mr. Griscom to Baron Komura, March 29, 1906.

Enclosure with Mr. Grieson's No. 222 of April 8, 1908.

COPY.

No. 126.

American Legation, Tokyo,

March 29, 1908.

To His Excellency,

The Baron Komura Jutaro,

As., As., As.

Monsieur le Ministre:

I have the honor to inform Your Excellency that Lieutenant Frank Marble, of the United States Navy, who has been designated as Naval Attaché to this Legation, has arrived in Tokyo and will relieve Lieutenant Irvin V. Gillie on April 1.

I am, etc.,

Transmitted Signed: Lloyd C. Grieson.

Commercial subscription approved by the U.S. Navy

Registered on March 14, 1908.

UNITED STATES LEGATION,  
TOKIO.

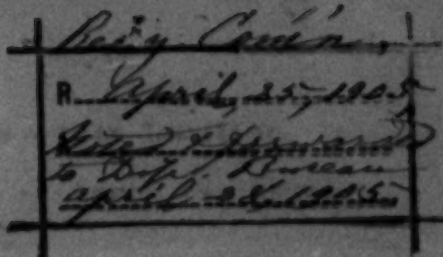
DEPARTMENT OF STATE

APR 28 1905

BUREAU

No. 223.

April 6, 1905.



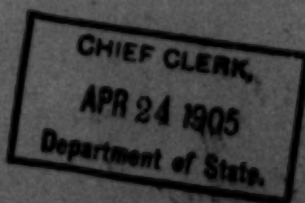
MR. GRISCOM TO MR. HAY.



Noted in Library.  
Apr. 29/05 — J.S.



**SUBJECT:** Transmitting duplicate copies of a Japan-India commercial convention approved by the Japanese Emperor on March 14, 1905.



UNITED STATES LEGATION,  
TOKIO.

No. 223.

April 6, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

FOR RELS. 1905.

Sir :

*and 2*  
I have the honor to transmit herewith enclosed, a copy, in duplicate, taken from the "Japan Daily Mail" of March 17, of a convention touching the commercial relations between Japan and India, which received the approval of the Japanese Emperor on the 14 ultimo.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd C. Ruess.*

ENCLOSURES: Duplicate copies of commercial convention above-mentioned. *over*

## The Japan Daily Mail.

YOKOHAMA, FRIDAY, MARCH 17, 1905.

### CONVENTION REGARDING THE COMMERCIAL RELATIONS BETWEEN JAPAN AND INDIA.

The following Convention was published in the *Official Gazette* of the 16th instant. It received the Imperial Approval on the 14th.

His Majesty the Emperor of Japan and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of facilitating the commercial relations between Japan and India have resolved to conclude a Convention to that effect, and have named as their respective Plenipotentiaries:

His Majesty the Emperor of Japan, Baron Jutaro Komura, Juammi, First Class of the Imperial Order of the Rising Sun, His Imperial Majesty's Minister of State for Foreign Affairs; and

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir Claude Maxwell MacDonald, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Most Honourable Order of the Bath, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:—

#### ARTICLE I.

Any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan shall enjoy, upon importation into India, the lowest customs duties applicable to similar products of any other foreign origin.

#### ARTICLE II.

Reciprocally any article, the produce or manufacture of India shall enjoy, upon importation into the dominions and possessions of His Majesty the Emperor of Japan, the lowest customs duties applicable to similar products of any other foreign origin.

#### ARTICLE III.

The privileges and engagements of the present Convention shall extend to native states of India which by treaty with His Britannic Majesty or otherwise may be entitled to be placed with regard to the stipulations of the Convention on the same footing as British India.

His Britannic Majesty's Government shall communicate from time to time to the Imperial Government of Japan a list of these states.

#### ARTICLE IV.

The present Convention shall be ratified and the ratifications shall be exchanged at Tokyo as soon as possible. It shall come into effect immediately after the exchange of ratifications, and shall remain in force until the expiration of six months from the day on which one of the High Contracting Parties shall have announced the intention of terminating it.

In witness whereof the above mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Tokyo, in the Japanese and English languages, this 24th day of 8th month of the 37th year of Meiji, corresponding to the 24th day of August of year one thousand nine hundred and four.

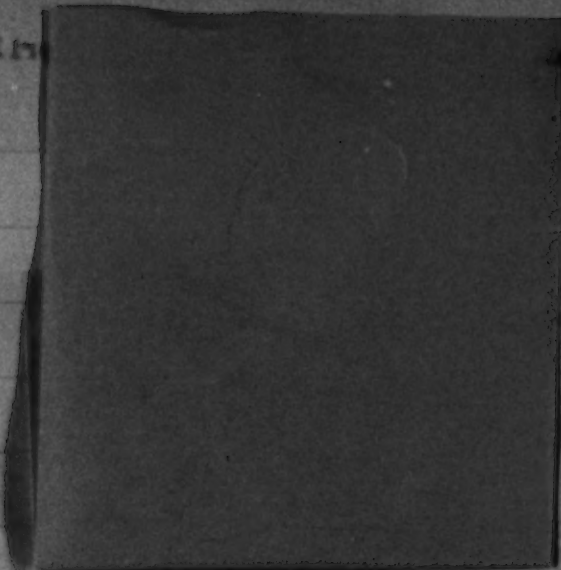
[L. S.] Baron Jutaro Komura,  
His Imperial Japanese Majesty's  
Minister of State for  
Foreign Affairs.

[L. S.] Sir Claude M. MacDonald,  
His Britannic Majesty's Envoy  
Extraordinary and  
Minister Plenipotentiary.

Diplomatic  
file

1908, 6, 15

Enclosure No. 1



UNITED STATES LEGATION,  
TOKIO.

RECEIVED

APR 24 1905

BUREAU.

No. 224.

April 6, 1905.



Mr. Griscom to Mr. Hay.

*Forer*  
*Apr 27*  
*to Agriculture & Com. & Labor.*

*Mailed a copy each of the*  
*Report within named to the*  
*Dept. of Com. & Labor and*  
*April 24*

SUBJECT:-Transmits copies of Twentieth Statistical Report  
of the Department of Agriculture and Commerce of  
Japan.



UNITED STATES LEGATION,  
TOKIO.

No. 224

April 6, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:-

I have the honor to transmit herewith two copies  
of the Twentieth Statistical Report of the Department of  
Agriculture and Commerce of Japan, embracing information  
to the end of the year 1903.

I have the honor to be,

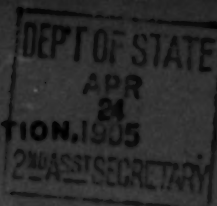
Sir,

Your obedient servant,

*Lloyd Criscan.*

ENCLOSURES:-Two copies of Statistical Report, as above.

UNITED STATES LEGATION  
TOKIO.



DIPLOMATIC BUREAU.

To Sec of War.  
check file.

No. 325.

April 6, 1905.

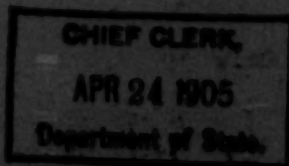


*For and  
To War Sec.  
April 25  
C*

MR. GRISCOM TO MR HAY.



SUBJECT: Relief of Colonel E. H. Crowder, Attaché, with  
the Japanese army in Manchuria, by Major Edward  
J. Mullerwand, General Staff, U.S. Army.



UNITED STATES LEGATION,  
TOKIO.

No. 225.

April 6, 1905.

I have the honor to confirm on the over-  
leaf the exchange of telegrams between the Depart-  
ment and this Legation in regard to the recall of  
Colonel E. H. Crowder, United States Army, Attaché,  
with the Japanese army in Manchuria, and his re-  
lief by Major Edward J. McClermand of the General  
Staff, United States Army.

On the 15 ultimo I received the Depart-  
ment's telegram instructing me to request the per-  
mission of the Japanese Government for the recall  
of Colonel Crowder on the ground of his ill-health,  
and that Major McClermand be permitted to replace  
him as Military Attaché at Tokyo and observer with  
the Japanese armies in the field. On the same day  
I accordingly addressed a note to the Minister for  
Foreign Affairs, a copy of which is enclosed here-  
with, and on March 23 received an informal noti-  
fication from the Foreign Office that this substi-  
tution would be agreeable to the Japanese Govern-  
ment. I thereupon at once telegraphed, in reply  
to the Department's telegram received the same day  
transmitting the War Department's inquiry as to  
when the Japanese Government's answer might be ex-  
pected, that they had acceded to the request. On

March

Telegram received March 15, 1904.

Griscom, Minister,

Tokyo.

Request permission from the Japanese Government for recall of Colonel Crowder, Attaché with Japanese army in Manchoo, reason, ill health, and that Major Edward J. McClernand, General Staff, be permitted to replace Crowder as Military Attaché at Tokyo and observer with Japanese armies

in the field.

I have the honor to acknowledge the receipt of your telegram of the 14th inst.

and in reply to inform you that the Japanese Government has agreed to the recall of Colonel Crowder and to the appointment of Major McClernand as his replacement.

Telegram received March 23, 1905.

Colonel Crowder, United States Army, Attaché

Griscom, Minister,

Tokyo.

Twenty-second. War Department asks when reply may be expected to my telegram fourteenth requesting Major McClernand be permitted to replace

Colonel Crowder as field observer.

Added. Crowder on the ground of his ill health

and that Major McClernand be permitted to replace

Telegram sent March 23, 1905.

him as Military Attaché at Tokyo and observer with

the Japanese armies in Manchoo.

March 23, 4.00 P.M. Japanese Government

today gives assent to my request fifteenth that

Major McClernand might replace Colonel Crowder

as field observer.

Griscom.

I have the honor to acknowledge the receipt of your telegram of the 14th inst.

and in reply to inform you that the Japanese Government has agreed to the recall of Colonel Crowder and to the appointment of Major McClernand as his replacement.

transmitting the War Department's inquiry as to

when the Japanese Government's answer might be expected.

On

March 23, 1905.

(2)

March 24 I received Baron Komura's formal reply to that effect, a copy of which I have the honor to enclose.

I am now informed from the Japanese War Office that Colonel Crowder left Tairen (Dalny) for Moji on the 4 instant.

I have the honor to be,

Sir,

Your obedient servant,

Lloyd Griscom.

ENCLOSURES: 1. Mr. Griscom to Baron Komura, March 15, 1905.

2. Baron Komura to Mr. Griscom, March 24, 1905.

Enclosure No. 4, with Mr. Griscoen's No. 225 of April 6, 1905.

COPY.

No. 128.

American Legation, Tokyo,

March 18, 1905.

To His Excellency

The Baron Komura Jutaro,

Esq., Esq., Esq.

Monsieur le Ministre;

I have the honor to inform Your Excellency that I have been instructed by the Secretary of State to request from the Imperial Japanese Government permission to recall, because of ill health, Colonel H. H. Crowder, U.S. Army, who is now attached to the Japanese army in Manchuria as military observer; and at the same time to request that Major Edward J. Mc Clelland, of the General Staff, may be allowed to succeed Colonel Crowder as military observer with the Japanese armies in Manchuria.

I avail, etc.,

Signed: Lloyd C. Griscoen.

Enclosure No. 2 with Mr. Griseon's No. 225 of April 6, 1905.

COPY.

Translation.

No. 18.

Department of Foreign Affairs,  
Tokio, March 24, 1905.

His Excellency

Lloyd C. Griseon,  
Esq., Esq., Esq.

Monsieur le Ministre,

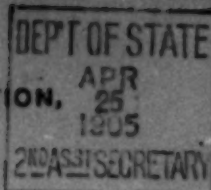
In acknowledging the receipt of Your Excellency's note No. 188 of the 15th instant requesting, under instructions of the Honourable the Secretary of State, permission for Colonel H. H. Crowder, United States Army, who is now attached to the Imperial Army in Manchuria to be recalled, because of ill health, and at the same time requesting that Major Edward J. McClermand, of the General Staff, be allowed to succeed him as military observer with our Army in Manchuria, I have the honor to inform you that the matter having been promptly referred to the Minister of War, I am now in receipt of a reply to the effect that he is willing to accede to Your Excellency's request regarding the two officers.

I avail, etc.,

Signed: Baron Komura Jutaro,  
Minister for Foreign Affairs.

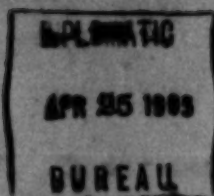
C

UNITED STATES LEGATION,  
TOKIO.



DIPLOMATIC BUREAU.

*Ask & file*  
*asa*



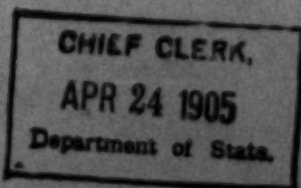
No. 226.

April 6, 1905.

*achd.*  
*Apr. 26*  
*[Signature]*

MR. GRISCOM TO MR. HAY

Subject:- Transmitting translations of editorial comment on Japanese rights of naturalization in America and the exclusion of Japanese immigrants.



UNITED STATES LEGATION,  
TOKIO.

No. 226

April 6, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

1  
I have the honor to enclose herewith translations  
of editorials from some of the leading Tokyo papers  
relating to the refusal of the Immigration Bureau in  
Texas to recognize certificates of naturalization  
that had been issued by the local courts to Japanese  
2  
subjects; and also translations of similar editorials  
dealing with the joint resolution adopted by the Leg-  
islature of the State of California in favor of the  
exclusion of Japanese immigrants.

I have the honor to be,

Sir,

Your obedient servant,

Lloyd C. Griscom

Enclosures:

1.- Translations of editorials from the Yerodsu  
Choho, the Nichinichi Shimbun and the Mai-  
nichi Shimbun.

2.- Translations from the Jiji Shimpō, the Nichi-  
nichi Shimbun and the Kokumin Shimbun.

90.1  
Enclosure with Mr. Grissom's No. 226 of April 6, 1903.

Translation.

**JAPANESE EXCLUDED IN AMERICA.**

It is reported that the United States Federal Immigration Bureau has declared the issue of naturalization papers to Japanese to be illegal. If this report be true, we must not pass it over in silence. The reason given for this declaration on the part of the U.S. Federal authorities is that Japanese are not eligible to become American citizens. We should call the attention of the American Government to this matter as it is one that concerns our national honor. We urge our authorities to take the necessary steps in this connection.

(Editorial Note from YOSHIOU CHINO of

March 23, 1903).

• Literally, "unfit for".

Translation.

**THE UNITED STATES NATURALIZATION LAWS AND JAPANESE.**

According to a London despatch, the United States Federal Immigration Bureau in Texas has declared the issue of naturalization papers to ten Japanese to be illegal on the ground that the Japanese have no legal right to become citizens of the United States.

For some time past our countrymen have been emigrating to Texas and engaging in the cultivation of rice and silk worms with considerable success. They have received a hearty welcome from the people of that State and the State courts have extended to the Japanese immigrants the same treatment as is accorded to immigrants from European countries, without any distinction on account of race. This treatment has been a matter of great gratification to our people and the friendly relations between the Americans and the immigrants were daily growing stronger. But now the Federal Immigration Bureau has declared the action of the State Court of Texas in respect to the naturalization of Japanese to be contrary to the naturalization laws of the United States. This will of course result in the Japanese losing the rights of citizenship they have obtained. It must be a great disappointment to those who went to America to make that country their adopted home and to contribute somewhat to the future development of American civilization.

But the ruling of the Immigration Bureau is correct according to the proper interpretation of the present laws of the United States and we have nothing to say against it. The present naturalization laws of the United States are based on the legislation of 1882 whereby free white people are allowed to become naturalized; and by the amendment made in 1890 persons of African nativity and those of African descent were granted the

same privilege. It is therefore a correct interpretation of the law to say that Japanese, Chinese and other races are ineligible. When the number of Chinese immigrants greatly increased the question of their naturalization arose and each State interpreted the laws independently of the others. Public opinion was, however, opposed to their naturalization and by the Congress of 1882 a new article was added to the naturalization law whereby Chinese not born in the United States were prohibited from becoming citizens. Thus according to the present laws no foreigners except free white people, and black people of African nativity or of African descent are allowed to be naturalized. Moreover, Chinese are debarred from citizenship by a special provision of the law, which does not, however, apply to Japanese.

According to the American Federal Law Japanese cannot therefore properly be naturalized. In certain of the State Courts naturalization papers have been issued to Japanese subjects although it is clear that such procedure is contrary to the Federal Law and that therefore such papers are null and void in point of law. It is a question, however, whether the naturalization papers issued by the State Court of Texas are cancelled simply by the decision of the Immigration Bureau. It is quite possible that the question may be appealed to a higher court in the State or to the Supreme Court of the United States, although it is quite clear what the final decision would be.

The relations between the United States and Japan are based not on trade alone but also upon social and intellectual intercourse. Ever since the opening of our country to the western world we have looked up to America as our teacher in the school of modern civilization. On the other hand, America has come to look upon us not only with sympathy but with respect. The friendship between the two peoples has been most intimate and without any racial prejudice whatever. It is therefore to our great

great regret that in the naturalization laws alone we are regarded as an inferior race and absolutely debarred from the privilege of citizenship. Viewed from the standpoint of national interest, it is not at all desirable that our people should be alienated and lose their rights as subjects of Japan; but as an international question it cannot be said that the good feeling between the two countries is promoted by the fact that whereas the laws of our country permit American citizens to become naturalized in Japan, our people, on the other hand, simply because of race discrimination, are debarred from becoming citizens of the United States,— the country, moreover, which advocates the policy of the "Open Door", but which fails to reciprocate the courtesies and equal treatment which Japan extends to her people. But the fault lies in the laws of the United States and not in the people; and we therefore express the hope that the American Government and Congress will find an early opportunity to revise the naturalization laws.

(Editorial, Nichiichi Shinbun, March 24, 1906).

Translation.

**NATURALIZATION DENIED TO JAPANESE IN AMERICA.**

A London telegram states that the U.S. Immigration Bureau has declared that the issue of naturalization papers to ten Japanese by the court of law in Texas is illegal, on the ground that Japanese have no legal right to become naturalized and that therefore the said papers are null and void. Some are inclined to be quite displeased at this news, but if we consider a little we will see that the decision of the Immigration Bureau is quite correct. This question is quite a different one from the exclusion of immigrants. Under the existing laws the Immigration Bureau could not do otherwise. We are quite dissatisfied with the present restrictions relating to immigration, but we cannot take any exception to the action of the Immigration Bureau (in the present instance) further than to hope that the laws (relating to naturalization) may be revised.

Why are we dissatisfied with the exclusion of immigrants? Because such action is contrary to the spirit of the national policy of the United States. The foundation principle of the country and the spirit of its Constitution and of its laws is to embrace all peoples without prejudice as to race. That was the principle of the colony of William Penn. That was the principle of independence declared by Washington, Jefferson and others. That was Lincoln's principle in the emancipation of the negroes. Such is the great, all-embracing policy of the United States and for its accomplishment she has an infinite power of assimilation. After a century and a little more of growth the country has reached its present stage of wonderful development. But because the United States has welcomed all people with open arms, immigrants from all parts of the world have streamed in and the industrial competition has become fierce, thereby causing a tendency to lower wages; with the re-

sult that the laborers have begun to direct their complaints against the immigrants.

If, however, the exclusion of immigrants is based upon these grounds, the same measures should be applied to all immigrants. But there is no complaint against Italians, Germans, Irish, Poles and Jews, or if there be any complaint there is no prohibition of law. Against Orientals, however, restrictions have been adopted. First the Chinese were denied and now they would deny the Japanese. The people who hold such narrow views are not the older Americans but the new comers from Ireland and Europe. We regret to say that American statesmen, who mainly rely upon the number of votes, are sometimes led away from the great national principle and violate the great law of the equality of man. Of recent years the influence of Japan on us has been extending abroad and the prejudice against our people is gradually disappearing. The Government of Australia which once held the same views of exclusion as the United States, is now considering the removal of such restrictions, and the Canadian Government voted the resolution to impose new restrictions. We trust that the time will come when the United States also will abandon its former prejudice.

The refusal to recognize the naturalization of Japanese by the Immigration Bureau in Japan is quite a different matter. In the naturalization laws of the United States there is a provision allowing all white people, and people of African nativity or descent to become naturalized, and no others. It does not allow the Japanese, who are new comers, to be naturalized. The present law was framed at a time when there were comparatively few immigrants from the Orient, and still fewer applicants for naturalization. There was therefore no necessity for making any provisions relating to them and so it has remained until the present time. But now there are many Japanese who go to America

to stay and seek steady employment. There is suited for the cultivation of rice and our people go there to engage in agriculture. Naturally they must invest a large amount of capital and intend to make their home there. These facts lead them to apply for the right of citizenship. Owing to new conditions a new demand has arisen and the local court granted them naturalization papers. This goes to show that there was no question of competition in wages and no objection against our people. The action of the Immigration Bureau is based solely on the ground that there is no provision in the Federal Law permitting such naturalization.

The laws of Japan did not allow foreigners to become naturalized until very recent times. This was not because we disliked to allow the naturalization of foreigners, but because there was no provision in our national law permitting it. At that time many foreigners became Japanese subjects by marrying Japanese women. Now the prohibitions have been removed. Of course we do not encourage our people to become naturalized in America, but at the same time we do not wish to see the United States cause them inconvenience by refusing to comply with their desires. We urge our diplomatic authorities to take such action as may be necessary and we have no reason to think that the United States will refuse to entertain our request.

(Material, Mainichi Shinbun, March 27, 1905)

Translation

JAPANESE LABORERS ABROAD/.

As the number of Japanese emigrating to foreign countries has increased lately, the question of Japanese laborers is being discussed in England and America. It seems to be the general opinion that there must be some internal conditions that compell us to send our laborers abroad. The reason, however, why our people go to America or to the British Colonies is because these countries invite our laborers to come, and not because we send them abroad on account of our over population at home. America, Australia, Hawaii and the Philippine Islands,- all these places are rich in natural resources but poor in population. The natives are not fitted for civilized industries and the administrators and capitalists there invite our laborers to come. Sometimes they talk of excluding the Japanese but that is not what they really desire.

But where the national or local government is conducted by representative assemblies and especially where the franchise is universal, the power of the laborers and of the lower classes is naturally very great. And as a consequence when these laborers and lower classes do not like the Japanese laborers, those who were elected by the votes of the people or who hold their positions through the influence of those classes, are obliged to take measures against the Japanese laborers though they know at heart that they are in the wrong. They are placed in a difficult position; and the capitalists must also sometimes incur heavy losses and great inconvenience. Some years ago in Colombia it was forbidden to employ Japanese miners, and those that violated this prohibition were liable to a fine, yet many mine owners employed Japanese miners just the same and paid the fines.

But is it necessary for Japan to send her laborers to America and the British colonies? This is a large problem. The

area of the Japanese Empire is a little over 160,000 square ~~mi~~ miles, and our population is 46,000,000. It is said that our population is increasing at the rate of 500,000 a year and that our country will soon be over populated. It is indeed densely populated on the whole but Hokkaido and Formosa are not so thickly populated, and the territory that is under our protection, such as the Korean Peninsula, will serve as an outlet for our excess population. And we believe that there is reason to fear lest there may come a time in the future when our population will not be sufficient to meet all the requirements of our country.

It is therefore unreasonable to jump at the conclusion that, because there are 140,000 or 150,000 laborers abroad out of a population of 46,000,000, our country is in dire need of sending out laborers. Owing to national conditions, the Chinese are obliged to go abroad, and likewise in Europe Italy must of necessity send laborers abroad. The statistics of 1902 show that of 531,009 emigrants (from Italy) 193,772 went to America. Our laborers in America now number only 38,000,-- less than a quarter of the number of Italian laborers.

When our domestic industries, agriculture, mining etc., are developed we shall be compelled not only to employ all our own laborers, but also to invite foreign laborers to come; and when our business enterprises are developed in Korea and Manchuria we must begin to feel the insufficiency of our population. We are well aware of the conditions existing in America and Australia and therefore we do not mind in the least the cry of Japanese exclusion. We do not think there is any occasion to harbor any national ill-feeling against England and America on that score. There will come a time when we shall regret to be obliged to refuse their request for our laborers when they need them most.

(Kokumin Shimbun, editorial, April 2, 1905).

Translation.

THE JAPANESE EXCLUSION FEVER.

It was about thirteen or fourteen years ago that the Japanese exclusion fever reached its height. The degree of the fever varies from time to time but it has continued down to the present. Our Government has accordingly taken strong measures to restrict the number of our people going to America and not only refuses to grant passports to doubtful characters but sometimes also causes great inconvenience to ordinary travellers. Recently there are signs of a recurrence of high fever and a certain journal in San Francisco published a long nine column article advocating the necessity of excluding the Japanese, and many local papers have followed its example. The chief reason for this Japanese exclusion movement is nothing more than the hatred of white laborers for the Japanese laborers who work for lower wages. And local politicians who are ambitious to obtain political positions make the most of the opportunity by siding with the laborers and exciting the fever.

Thoughtful Americans recognize the unreasonableness of the agitation, but the laborers in that country possess great influence in politics as they have a large number of votes. It is therefore necessary that our people should endeavor not to offend them. The chief grounds of the Japanese exclusion argument are that the Japanese workmen are satisfied with lower wages and consequently the white laborers lose their employment or else they must accept lower wages and thus lower their scale of living; and that the Japanese, like the Chinese, cannot assimilate with Americans. They are said to maintain their own peculiar society by themselves and that they thus cause injury to the national customs and social fabric. To these a new argument is added in the present instance, namely, that after the war thousands of soldiers will stream into America and that, coming with minds puffed up with their recent victories, they

may cause immeasurable harm to the white laborers. This argument appears to have caused considerable excitement in those localities.

It is undoubtedly a fact that the rivalry of the Japanese laborers is unpopular, but the cheaper wages help the development of the national industries and therefore the capitalists of the country welcome our laborers. So that the complaints of the laborers is not a valid reason for excluding the Japanese. And the argument that the Japanese are a race that do not assimilate with the Americans is likewise very weak. It is only ten years or a little more since our people began to emigrate to America and it requires more time than that to judge whether or not such is the fact. Since we opened our country to western intercourse we have been importing western civilization,-- not only its science, politics and arts, but also the food, clothing, manner of living and every thing foreign. Especially do we look upon America as our leader, and look up to her with feelings of respect and of deep gratitude. And yet they think that we are as a race difficult to assimilate and try to exclude us. This is indeed surprising. They profess to be concerned about the invasion of thousands of discharged soldiers after the war. They seem to think that our soldiers are like the paid soldiers or volunteers of western countries. That class of men might become roving outcasts but our soldiers all have their settled occupations and are called out for the country's service for a stated period. When they are discharged after the completion of their service there will be no danger such as our American friends may imagine. They will find this to be a fact if they will only examine our military system. Moreover, after the close of the war our laborers will go to Korea and Manchuria where there are great possibilities for the development of our industries, and there is therefore no danger of an invasion of Japanese immigrants into America.

We trust that the agitation in favor of exclusion will be confined to certain localities along the Pacific Slope and that the majority of the American people will not be influenced by such shallow and narrow views. At the same time we should like to caution the Japanese now in America to be very careful as to what they do and say so as not to create any ill-feeling toward themselves or any misunderstanding on the part of the American people.

(JIJI SHIMPO, editorial, April 3, 1905)

Translation.

THE EXCLUSION OF JAPANESE IN CALIFORNIA.

There has been an agitation in California with a view to drive out the Japanese. The San Francisco Chronicle took an active part as the leader of the movement. It has resulted in the passage of a joint resolution of ten articles by both branches of the State Legislature, and in a petition to be presented to the President and to the Secretary of State.

The chief point in the above mentioned resolutions is that the Japanese immigrants are increasing in numbers in the States along the Pacific Slope, especially in California, and that they are menacing the safety and prosperity of those States. The Federal Government should therefore provide the necessary means to protect the people of California and their interests by restricting, by treaty or other means, the number of Japanese immigrants to within certain limits.

There are already several thousands of Japanese laborers in America. Capitalists on the one hand welcome them because of their cheaper wages, and the white laborers on the other hand strongly oppose the Japanese as their great rivals who deprive them of their work or lower their wages.

It is evident from articles 7 and 8 that the present resolutions against the Japanese are principally meant for the protection of the white laborers. When we consider the question from an economic standpoint it is natural that the United States should object to lower wages in order to protect her own laborers, and that in a country like America, where local politicians must obtain the support of the white workmen who hold the majority of the votes, they should pass such a resolution. But what we regret is that the reasons given for the exclusion of Japanese laborers are contrary to the facts. We are surprised at  
their

their thoughtlessness in stating that they can produce strong evidence in support of their contentions. Take for example the 3rd article of the resolution which states that the Japanese do not assimilate with the Americans and that they do not wish to become citizens. We would like to ask if this is true. Our people do not become naturalized. But is it their own fault or the fault of the national laws of America? It is the fault of the national laws, as we have already pointed out in these columns some time ago. If the naturalization permitted there would no doubt be a great many who love her civilization and her ideals who would wish to be naturalized. Is it not then a harsh criticism to say that Japanese never become naturalized when they are forbidden to do so by law? Give us the right to become naturalized and offer us inducements for immigration and we do not hesitate to say that our immigrants will contribute as much if not more to the future development of America than some of those from European countries. There are dangerous elements among the Irish, Russian and Italian immigrants, and some of these do not easily assimilate with the American people. Yet Americans say that the assimilating power of their civilization is so great that in the second or third generation they all become good citizens. Are our immigrants inferior to those coming from Europe? Our Government has issued strict regulations preventing our lower class of laborers from going to America so that the majority of our emigrants to America are of the better class.

And in the 10th article of the resolution it is said after the present war thousands of soldiers will come over to America and disturb the peace with their immoral, intemperate and quarrelsome habits. Is this not an insult to our Army? Our Army is made up of the best elements of our nation, and our military discipline is strict. When our soldiers finish their service.

they

they all return to their homes and resume their regular occupations. There are very few indeed, if any, who join the ranks of lawless bands of ruffians. Many foreign military observers from England and America have remarked upon the orderliness and good behavior of our soldiers. For example the correspondent of the London Times said that since the beginning of the war he has lived in Tokyo and seen thousands of soldiers; and that for eleven months he has not seen a soldier drunk or quarrelsome or disturbing the peace. Whoever will examine our army will see that what the London Times' correspondent said was true.

Now the two houses of the California Legislature, without investigating these facts, have passed a resolution to exclude the Japanese for reasons that are an insult to our army. The resolution is to be sent to the President and the Secretary of State, with the request that some adequate means be adopted to restrict the Japanese immigrants. This is of course the resolution of the Legislature of a single State and does not disturb us very much; but the Assembly and Senate of a State should be familiar with the demands of international courtesy. We regret that such an insulting resolution has been adopted in a friendly country. We have no doubt but that President Roosevelt will reject such a prejudiced resolution and that the American public also will see the true condition of affairs and, recognizing the necessity of promoting the friendly relations existing between Japan and America, will hold fast to the broad American national policy which ~~has~~ has followed from the very beginning of her national existence.

(NICHU)NICHU SHIMBUN, editorial, April 3, 1905).

## CALIFORNIA OBJECTS TO JAPANESE IMMIGRATION.

1915

Sacramento (Cal.) telegram of March 1st said:—  
Senate's order of business the resolution came  
the head of "Motions, Resolutions and Peti-  
and it was near noon when this order was

resolutions," called President Anderson, and at  
all Senator E. F. Woodward of Santa Rosa  
and forward and handed in the concurrent  
session. A majority of the Senators know its  
and the hum in the chamber ceased im-  
mediately. President Anderson must have known  
was coming, for he insisted on unusual silence,  
repeatedly with his gavel. Finally he said:  
The sergeant-at-arms will maintain order and  
Disperse those groups in the lobby and, if  
necessary, clear it." Silence having been secured,  
said: "The clerk will read." Every Senator  
closed closely the reading of the resolution, which  
as follows:

Whereas, The constantly increasing immigration  
the subjects of the Japanese empire into the Pacific  
States and Territories, and particularly into the  
State of California, has become and is now a serious  
menace to the well being and prosperity of those  
States and Territories, and particularly to the people  
of California, demanding the taking of immediate  
action looking to the stay thereof; and, whereas, it is  
well known and generally recognized, and ac-  
knowledgeed that, among many other facts and reasons  
justifying an apprehension of great danger, because  
the growing and threatened invasion of our State  
by Japanese immigrants, the following are capable  
of exact proof and to exist:

First—That the Japanese laborers, by reason of  
their habits, mode of living, disposition and general  
characteristics, are a wholly undesirable and unsatis-  
factory addition to the population.

Second—That the Japanese laborers are debar-  
red from naturalization and cannot, if they desired,  
which they do not, become citizens and thereby  
assume the privileges and responsibilities of citizen-  
ship.

Third—That the Japanese laborers do not evince  
any inclination to assimilate with our people or to  
become Americans. They remain as they come—  
Japanese—and, possessing no regard for republican  
institutions, continue to consider themselves subjects  
of the country of their nativity, and look only to the  
time when they may be able to return.

### Hordes of Immigrants.

Fourth—That the Japanese immigrants now  
flocking to our shores are as a class, and with few  
exceptions, contract laborers, obligated to serve long  
periods of labor for small wages, and thereby and as  
the result of such conditions our communities are  
being filled with a servile class of laborers which  
exists in a state of slavery in substance and effect, if  
not in name.

Fifth—That the Japanese laborers are not hired  
individually, but in gangs, and from a contractor who  
has entire control of their services, and who, by the  
terms of the obligation under which they are brought  
to the country, is enabled to furnish them at such  
places, in such numbers, for such times and at such  
wages as may be agreed between the contractor and  
the employer.

Sixth—That the contractor for Japanese labor,  
by reason of the favorable terms of his agreement, is  
enabled to and is accustomed to, moving Japanese  
laborers wherever required in this State at rates  
which do not supply a white man with the common  
necessaries of life, much less enable him to provide  
for his family or to educate his children.

Seventh—That the Japanese contract laborers  
have already gained control of numerous branches of  
industry in this State, and by reason of the low rate  
of wages paid for their work have forced all white  
labor therefrom, and they are constantly crowding  
into other avenues of labor and driving our own  
workmen from occupations to which they have been  
accustomed and from which they have hitherto  
gained a livelihood.

Eighth—That the Japanese laborers will within  
a brief period, unless their immigration be limited in  
some reasonable degree, occasion great distress and  
injury to the white laborers of the State by depriving  
them of the opportunity to secure work at wages  
sufficient for support.

### WERE LABOR TRANSIENTS.

Ninth—That the Japanese laborers do not  
employ any of their earnings in the building up of  
the communities wherein they may for a time reside.  
They are mere transients, coming only to do the  
particular work for which their contractor has agreed  
to furnish them, and going at its completion to  
another place to which they have in like manner  
been allotted. They do not buy land for homes; they  
do not build or buy houses either for business or  
home purposes. They contribute nothing to the  
growth of the State. They add nothing to its wealth  
and they are a blight on its prosperity and a great  
and impending danger to its welfare.

Tenth—The labor troubles in Hawaii have  
caused great numbers of Japanese laborers such as  
have been hereinbefore described to make their way  
to this State, until now not less than 500 each month  
are landed at the port of San Francisco; and while  
the present rate of increase in the immigration is  
sufficient to justify the fears which are justly enter-  
tained of the disastrous results to flow there from we  
cannot but regard that the close of the war between  
Japan and Russia will surely bring to our shores  
hordes to be counted only in thousands of the  
discharged soldiers of the Japanese army, who  
will crowd this State with immoral, intemperate,  
quarrelsome men, bound to labor for a pittance and  
obliged to subsist upon a supply with which a white  
man can hardly sustain life.

### CALLS FOR LEGISLATIVE ACTION.

"Resolved, By the Senate, and the Assembly con-  
curring, that we, as the representatives of the State  
of California, do urgently and strongly ask and  
request, and, as far as it may be proper, demand for  
the protection of the people of this State and for the  
proper safeguarding of their interests, that action be  
taken without delay, by treaty or otherwise as may  
be most expeditious and advantageous, tending with-  
in reasonable bounds to limit and diminish the further  
immigration of Japanese laborers in the United States.

"That our Senators and Representatives be, and  
they are hereby, requested and directed to bring the  
matter to the attention of the President and the  
Department of State.

"That the Governor be requested to forward a  
copy of the foregoing preamble and of these resolu-  
tions to the President and the Secretary of State."

This resolution was adopted in the senate by  
31 votes, none being against, 4 being absent and one  
refusing to vote. In the Assembly, the following day,  
the resolution was adopted unanimously.

Dear

able officials - and far so.

A few Japanese editorial writers  
might be desirable immigrants.

The despatch calls for  
no action.

[The Naturalization com-  
mission does not intend to recom-  
mend the admission of Japanese  
to naturalization.]

YH.

Dear Mr. Ades,

Very interesting and  
able Editorials — and fair too.

A few Japanese editorial writers  
might be desirable immigrants.

The despatch calls for  
no action.

[The Naturalization com-  
mission does not intend to recom-  
mend the admission of Japanese  
to naturalization.]

W.



UNITED STATES LEGATION,  
TOKIO.

No. 227.

April 6, 1905.



MR. GRISCOM TO MR HAY.



SUBJECT: Credit of \$550.18 for General MacArthur.

UNITED STATES LEGATION,  
TOKIO.

No.227.

April 6, 1905.

To the Honorable John Hay,  
Secretary of state,  
Washington.

S i r :

I have the honor to acknowledge  
the receipt of the Department's instruction  
No.108 of March 1, 1905, authorizing me to  
pay to Major-General Arthur MacArthur, U.S.  
Army, Military Attache to this Legation,  
the sum of \$550.18.

I have forwarded a copy of this in-  
struction to General MacArthur in Manchuria.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd C. Ruess.*

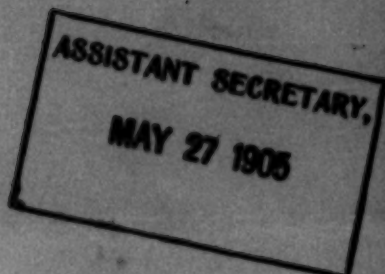
UNITED STATES LEGATION,  
TOKIO.

No. 228.

April 8, 1905.



For. Rel. 1908.

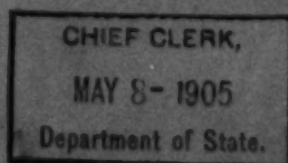


Mr. Griscom to Mr. Hay.

SUBJECT:-Trade Mark Protection in Korea.

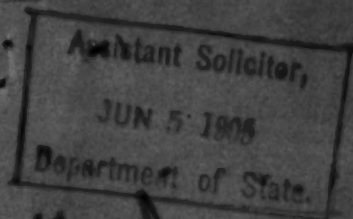
Reply to Department's Instructions No. 77, of  
October 19, 1904, and No. 101, of January 28,  
1905.

*To Korea  
June 6  
Lester  
June 9, 1905  
Geo  
Jro*



Dear Mr. Van Dyne:

by the registration of  
a trade-mark con-  
on account of the  
use in Korea of  
a trade-mark which



Dear Mr. Smith:

It seems clear  
that our consular  
courts in Korea  
would have no juris-  
diction of a controversy  
between a Japanese  
subject and a citizen  
of the United States

Dear Mr. Van Dyne:

By the registration of  
a trade-mark con-  
on account of the  
use in Korea of  
a trade-mark which  
the former has had  
registered in the  
United States under  
the trade-mark con-  
vention between the  
United States and  
Japan-

The matter can  
be regulated only

Dear Mr. Van Dyke:

By the negotiation of  
a trade-mark con-  
vention between the  
U. S. and Korea,  
it appears to me

F. J.

Dear Mr. Van Dyke:

Do you feel competent to press upon the last paragraph of Mr.

Wisconsin's despatch, or shall we seek an expression of views from Skinner?

S. Y. Smith

June 3

The Assistant Secretary.

May 26, ..... 1906.

DIPLOMATIC BUREAU:

Usual course.

*For whom was the information  
obtained? WJ*

UNITED STATES LEGATION,  
TOKIO.

*No. 228*

No. 228.

April 8, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

Sir:-

Referring to the Department's Instructions No. 77, of October 19, 1904, and No. 101, of January 28, 1905, relative to the protection of foreign trade marks in Korea, I have the honor to report that upon inquiry at the Foreign Office I learn from Mr. Ishii, Chief of Bureau, that the Trade Mark and Patent Laws of Japan are enforced in Japanese Consular Courts in Korea, where both plaintiff and defendant are Japanese subjects; but that in case of infringement of a trade mark or patent, where a foreigner is plaintiff in those courts, and bases his claim for relief upon registration or letters patent obtained in Japan, the Japanese Government reserves the right to withhold the application of such laws until satisfied that the Consular Courts of such foreigner's nation grant corresponding and reciprocal relief to a Japanese plaintiff who has obtained registration or letters patent in such nation. Mr. Ishii added that the Japanese Government is disposed to enter into reciprocal arrangements in the premises and referred to the action that had been taken by the British Government.

The British Order in Council of February 2, 1899, extends the jurisdiction of British Consular Courts in China and Korea to cases arising under the "Merchandise Marks Act of 1897," the "Patents, Designs and Trade Marks Acts of 1883-1888," and "any Act, Statute or Order in Council for the time

being

being in force relating to copyright or to inventions, designs, or trade marks; or any Statute amending or substituted for any of the above-mentioned Statutes" and provides for the punishment of any British subject who may commit offences thereunder against "any property or right of a British subject, or of a foreigner, or otherwise."

If the Department is unable to instruct American Consular Officers in Korea that the provisions of our Trade Mark Law are enforceable in our Consular Courts there, I presume that the difficulties of the present situation can be met only by treaty or by Act of Congress.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

*101. Bureau*

TELEGRAM RECEIVED IN CIPHER.

From TOKIO,  
April 11, 1905,

Received 6:50 a. m.

RECEIVED  
APR 11 1905  
BUREAU.

Secretary of State,  
Washington.

April 11, 1 p. m.

*Tommy Fisher  
sent April 11.  
H. D.*

ASSISTANT SECRETARY,  
APR 11 1905

Fisher telegraphs naval authorities have  
closed Kelung to foreign ships until further notice.  
GRISCOM.

DEPARTMENT OF STATE  
APR 11 9 36 AM 1905  
CHIEF CLERK'S OFFICE

INDEX BUREAU  
APR 14 1905  
FILED

C.C.'s Office, April 11, 1905. 9:30 a. m.

UNITED STATES LEGATION,  
TOKIO.

No. 229.

April 11, 1905.



Mr. Griscom to Mr. Hay.

SUBJECT:-Kelung closed to foreign steamers.

Confirms telegram.



UNITED STATES LEGATION,  
TOKIO.

No. 229.

April 11, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:-

I have the honor to confirm my telegram of this  
date, which, deciphered, reads as follows:

Secstate, Washington.

April 11, 1, P. M. Fisher telegraphs Naval  
Authorities have closed Kelung to foreign steamers until  
further nitice. Griscom.

I have the honor to be,

Sir,

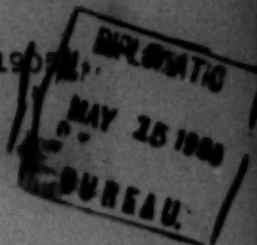
Your obedient servant,

*Lopachinski.*

UNITED STATES LEGATION,  
TOKIO.

No. 230.

April 12, 1905.



Mr. Griscom to Mr. Hay.

*To Treasury  
May 16  
[Signature]*

SUBJECT:-Drawback and Rebate on Export of Sugars from Japan.

Reply to Department's Circular of February 16, 1905.



UNITED STATES LEGATION,  
TOKIO.

No. 230.

April 12, 1905.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:-

In reply to the Department's Circular Instruction of February 16, 1905, calling for copies of such decisions, rules, regulations, etc., as relate to or govern the payment of drawback or rebate, by the Government of Japan, on the exportation of sugars, I have the honor to report that, upon inquiry at the Ministry of Finance, I am informed that when sugar is exported from Japan the taxes already paid thereon are not refunded, but when sugar, molasses, or syrup, which is taken out from a mill, custom house, or customs warehouse, not for home consumption, is exported within six months thereafter, no internal revenue tax is charged, provided security is deposited with the authorities sufficient to cover such tax. A translation of such parts of the Sugar Excise Law of Japan as bear upon this point is herewith enclosed together with a table of taxes leviable.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

ENCLOSURE:-

Translation of part of Sugar Excise Law of Japan with  
Table of Taxes.

Enclosure with Mr. Griscom's No. 230 of April 12, 1905.

Translation.

EXTRACT FROM THE SUGAR EXCISE LAW.

Art. 5.- When sugar, molasses or syrup is taken out from a mill, a custom house or a customs warehouse and not designed for domestic consumption, a deposit of securities proportionate to the amount of the excise shall be deposited. The kinds of securities to be so deposited shall be determined by ordinance.

When there is no proof that the sugar, molasses or syrup taken out in accordance with the provisions of the preceding paragraph has been exported within six months it will be regarded as having been used for domestic consumption and the excise will be paid from the deposited securities. Securities other than money will be sold by public auction. After the excise and the expenses of the auction have been paid, the balance if any will be returned to the depositor of the securities.

EXTRACTS FROM THE LAW CONCERNING THE OPERATION OF THE  
SUGAR EXCISE LAW.

Art. 10.-- Any person who takes out sugar, molasses or syrup from a mill or a customs house or a customs warehouse shall distinguish between goods designed for domestic consumption and those designed for other purposes and shall give notice to that effect to the tax office having jurisdiction.

Art. 15.-- The kinds of securities to be deposited in accordance with the provisions of the Sugar Excise Law shall be either money or valuable securities. Any per-

son intending to make deposit shall present securities such as are enumerated herein and shall give the receipt to the tax office having jurisdiction.

Art. 16.- When the value of the securities deposited depreciates, the tax office may demand additional securities.

Art. 18.-- When it is desired that the securities deposited in accordance with the provisions of the Sugar Excise Law be released application shall be made to the tax office having jurisdiction accompanied by the following documents:

1.- Permission to export the goods or a document equivalent to such permission.

2.- Receipt of importation from the custom house of some foreign port or documents certifying that the goods have been landed in a foreign country.

Art. 19.- When the securities deposited are to be sold in accordance with the provisions of the Sugar Excise Law the fact shall be published and an interval of at least three days shall be allowed to elapse before the sale.

Art. 22. When there is a balance left to be returned to a depositor in accordance with the provisions of the Sugar Excise Law, the said balance may be redeposited.

INTERNAL TAX ON SUGAR.

Kind	Quality	Amount of tax according to Excise Law	Amount of Extraordi- nary tax	Total
No. 1	Below No. 8, Holland Standard	Per 100 kin 1 yen	Per 100 kin 1 yen	2 yen
No. 2	Nos. 8-15	1.60	2.80	4.40
No. 3	Nos. 15-20	2.20	4.30	6.50
No. 4	Above No. 20	2.80	4.70	7.50

REVENUE.

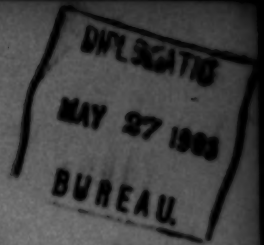
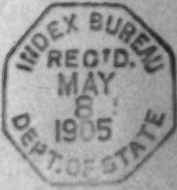
1903.	Cash payments	¥ 6,942,968.--
	Revenue Stamps	1,518,113.--
	Total	¥ 8,461,081.--
1904.	Cash payments,	
	Ordinary	6,077,004.--
	Special	8,212,382.--
	Revenue Stamps	
	Ordinary	642,585.--
	Special	862,073.--
	Totals	
	Ordinary	6,719,589]--
	Special	9,074,455.--
	Grand Total	¥ 15,794,044.--
1905.	Cash payments	
	Ordinary	6,680,665.--
	Special	9,776,699.--
	Revenue Stamps	
	Ordinary	963,117.--
	Special	1,409,453.--
	Totals	
	Ordinary	7,673,782.--
	Special	11,186,152.--
	Grand Total	¥ 18,829,934.--

Note.- From the income from Revenue Stamps 6% must be deducted.

UNITED STATES LEGATION,  
TOKIO.

No. 231.

April 13, 1905.



*Dudley Michener  
informed, June 1, 1905  
C*

*Fate  
Suzo*

MR. GRISCOM TO MR. HAY.



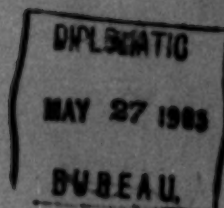
SUBJECT: Reported cure for the disease of beri-beri:---  
The Japanese have made no such discovery.

CHIEF CLERK,  
MAY 8- 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No.231.

April 13, 1905.



To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to the Department's instruction No.104 of February 10, wherein I am directed to obtain information of a reported effective cure for the disease of beri-beri which the Japanese Government is said to possess, I have the honor to state that I am assured by Dr. Saneyoshi, the Surgeon-General of the Japanese army, as well as by other specialists in the disease, that the Japanese have made no discovery of any specific cure for kaki (beri-beri) and that there is nothing new in its treatment here.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

**The Assistant Secretary.**

May 26, 1905..... 1905.

**DIPLOMATIC BUREAU**

**Inform Dudley and Michener.**

I have the honor to be,

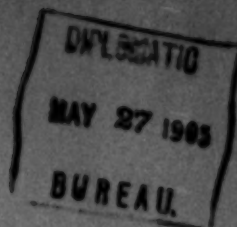
Sir,

Your obedient servant,

UNITED STATES LEGATION,  
TOKIO.

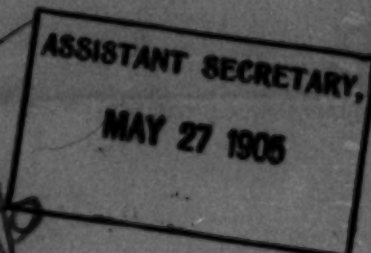


No. 232



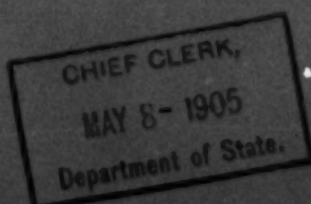
April 13, 1905.

*Acted and  
to Mr. Hay  
May 21*  
*J. H. [Signature]*



MR. GRISCOM TO MR. HAY,

Subject:- Translation of Japanese press comment  
on American neutrality.



UNITED STATES LEGATION,  
TOKIO.

232  
No. ~~232~~

April 13, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

Sir:

I have the honor to transmit herewith enclosed a translation of an editorial note which appears this day in the "Kokumin Shimbun", one of the leading Japanese newspapers, in relation to the disposition of the American Government to observe strict neutrality, with reference more especially to the movements of the Russian Baltic Squadron.

I have the honor to be,

Sir,

Your obedient servant,

*Logschinow.*

Enclosure:

Translation from "Kokumin Shimbun" of April 13, 1905.

Enclosure with Mr. Griseon's No. 3 of April 13, 1905.

Translation.

America commands our highest admiration by the careful way in which she is watching the movements of the Russian Squadron with a view to preserving strict neutrality. We must expect Holland, France, China and other Powers to do the same. Especially should France be very particular in this regard. The world is watching the action of France with suspicion. We are therefore obliged to give France a word of warning. "Touch not your hat while in an orchard, and touch not your shoes while passing through a melon field".

("Kohumin Shinbun", April 13, 1905.)

1904

Memorandum of Mr. Delmonico's No. 11704  
of April 12, 1904.

The Assistant Secretary.

May 20, 1904.

DIPLOMATIC BUREAU.

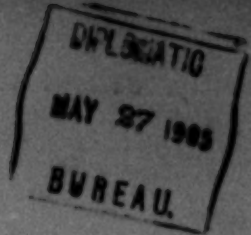
Ack., and copy to Secy. of  
War for his information.

*JD*





UNITED STATES LEGATION,  
TOKIO.



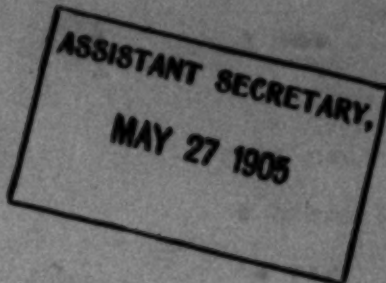
Confidential.

No. 233.

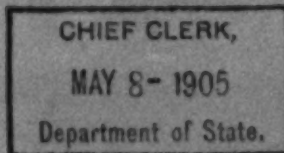
*Ask June!*

April 14, 1905.

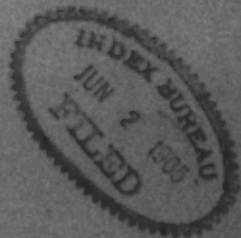
*Index*



Mr. Griscom to Mr. Hay.



SUBJECT: Transmitting a translation of an editorial in the "Kokumin" regarding the policy to be pursued by the Japanese Government towards Korea.



UNITED STATES LEGATION,  
TOKIO.

Confidential.

No. 233

April 14, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to transmit herewith a translation of an editorial which has recently appeared in one of the leading Japanese newspapers called the "Kokumin". The article is of interest as indicating the trend of thought in Japan to-day with regard to the policy to be pursued towards Korea. While it cannot be said that the "Kokumin" is an official organ of the Japanese Government, yet it is known to be very close to the Administration and possibly the sentiments expressed in this article are very nearly those entertained by the Japanese Government. The tendency in Japan to-day is to treat Korea more and more as a part of the Japanese Empire. While ostensibly asserting Korean independent sovereignty, the absorption by Japan of the administrative powers of the Peninsular Government has been very rapid during the last few months. Already nearly all the administrative bureaus of the Korean Government are acting under the advice of Japanese Agents. All that is needed finally to transform the Korean Empire into a Japanese province is the investment of large sums of Japanese capital in Korean enterprises and a wave of Japanese immigration. However, until peace is declared

and

and all doubts as to the settlement of political spheres of influence have been removed, no large amount of Japanese capital will go into Korea, nor will immigration of Japanese in large numbers be permitted by the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant

*Logan*

ENCLOSURE: Translation of an editorial in the "Kokumin".

Enclosure with Mr. Grison's No.233 of April 14, 1905.

Translation.

THE FUNDAMENTAL IDEA OF OUR KOREAN POLICY.

Most of the opinions we hear expressed so freely in regard to our Korean policy are merely conjectural and inaccurate, and often they are opposed to the spirit of our national policy.

In general there are two mistaken views concerning this question. The one is that we should endeavor solely to promote the interests of Korea and the development of the Korean people. To do this we should be willing to sacrifice our own interests. We must endeavor to protect and lead <sup>her</sup> in the spirit of self sacrifice. Those who hold this view consider that they are standing for the cause of humanity and righteousness.

But such argument does no good to Japan and harms Korea. Her past history and present condition go to prove that Korea, in her own strength, can neither maintain her independence <sup>and</sup> protect her territory, nor can she maintain order and insure safety within her dominions. Without our assistance Korea cannot preserve her territorial integrity against for<sup>ce</sup> aggression, and without our supervision and advice the laws of the country cannot be enforced nor can her people be assured of the safety of their lives and property.

If we assist Korea as a servant might his master, by giving her money when she is in need of funds, sending her an army when her territory is threatened with a foreign invasion,-- in short , by giving her whatever she may ask and supplying her with whatever she may need; and if further we are satisfied with giving her mere material assistance without considering our own interests that are involved

ved, it would be like supplying a prodigal. It would not only encourage bad habits in Korea, but would actually foster disorder in that country. We should succeed both in ruining Korea and in injuring ourselves. Can it be regarded as a truly righteous and humane act to furnish money to a prodigal child?

The other view commonly held is quite contrary to the above. It says that we have nothing to do with the interests of Korea. It will be enough to promote our own. We must promote our interests and protect our rights in Korea at whatever expense to the interests of Korea. Yet to do injury to the best interests of Korea, to prevent her development and to destroy her national vitality will bring no real benefit ~~will bring no real benefit~~ to our country but only harm.

In short the advocates of the former opinion seem to think that Japan exists only for the interests of Korea; while the latter think that Korea exists <sup>only</sup> for our benefit. The latter considers Korea as our slave and the former as our master. The former is quite as wrong as the latter. Both go to extremes and neither is right.

What then is the fundamental idea of our Korean policy? It is to insure the integrity of the Korean territory as essential to our own independence and to preserve order, insure safety, reform the administration, open up the rich resources and develop the industries of Korea under our protection. In other words we must promote the interests of Korea for the sake of our own. To promote the interests of Korea is to promote our own; and to promote our interests is to promote those of Korea. Our Korean policy, for the present and for the future is to treat Korea as an inseparable part of our own country, to preserve her integrity and to promote her development  
under

under our protection, - in a word to look upon Korea as a part of ourselves.

When we look at our relations with Korea from the stand-point of this fundamental idea we can be certain that her territorial integrity will be preserved, the reformation of her internal administration effective, and that the interests of Japan and Korea will develop on parallel lines. We hope that our nation will not fall into any error in discovering <sup>this</sup> a fundamental principle of our Korean policy.

(Kokumin Shinbun, editorial, April 7th, 1905)

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a part of ourselves.  
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that the interests of Japan and Korea will develop on  
parallel lines. We hope that our nation will not fall  
into any error in discovering a fundamental principle of  
our Korean policy.

(Korean Mission, editorial, April 2nd, 1905)

The Assistant Secretary.

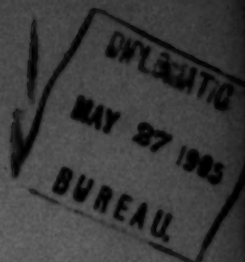
May 26, 1905

DIPLOMATIC BUREAU:

ACK. AND FILE.



UNITED STATES LEGATION,  
TOKIO.



No. 234.

April 14, 1905.

ASSISTANT SECRETARY,

MAY 27 1905

Mr. Grison to Mr. Hay.

CHIEF CLERK.

MAY 8- 1905

Department of State.

*File and  
To President's Sec-  
retary, May 31  
file*

Subject:-- Japanese press comment on peace negotiations.



Enclosure with Mr. Grisco's No. 234 of April 14, 1905.

Translation.

THE PERSONAL ELEMENT IN RECENT PEACE RUMORS.

The recent rumors of peace have been vague and indefinite; but in the midst of these vague and indefinite rumors there appears the vision of a personality casting a strange illumination upon the subject which makes us believe that the talk of peace should not be passed over without notice. That personality is President Roosevelt of America. The fact that the Times correspondent connects the name of President Roosevelt with the recent peace rumors indicates something different from what we have already heard several times before. A later foreign telegram makes clear the attitude of President Roosevelt toward these rumors by reporting him as saying that ~~which~~ he has not taken any part in the affairs between Russia and Japan and at the same time intimating that he knew the terms of peace between Russia and Japan in general and the fact that <sup>these</sup> there had been confidentially <sup>ascertained</sup> determined. This shows that he occupies an important position in the war and that he is in a position that cannot be overlooked when the opportunity for negotiations of peace arrives. All the previous rumors coming from the Russian side have been connected with some ulterior motive and have not been worthy of attention; but we must recognize the fact that a strong side-light is cast upon the situation by the present rumor because of the position and attitude of President Roosevelt.

If the President knows the attitude of the respective belligerents in respect to peace it may be said that he has already taken a hand in the affairs of the present war. Does he intend to propose peace now? If he does Japan will not listen. But later when Russia surrenders and

ques for peace she will undoubtedly consider it better to do so through the United States. If so, then the position of the President, while it may seem not to have any direct connection with the present war, yet in reality has a very important relation indirectly.

The President of the United States desires peace and the people of the United States consider that it is their mission to bring about peace and they are willing to do everything in their power to that end. It will therefore be America who will be the mediator when the time arrives and she will spare no effort to bring about the desired end. The only thing in doubt is whether we shall need any mediator at all in the future developments of the present war.

President Roosevelt is a man known for his uprightness and justice and therefore he is not a diplomat in the strictest sense of the term. Secretary Hay also considers honesty to be the best diplomacy and is therefore ridiculed by some of the diplomats of Europe. Neither he nor the President is able to bring about peace at the present stage, but when the opportunity for peace arrives we shall avail ourselves of their assistance. It is true that America does not intend to take the initiative in proposing peace; but it is also true that America is prepared to be the mediator when the opportunity offers.

The attitude of the various Powers is inclined toward peace. Germany and France consider it better for Russia to come to terms. Japan's intention is to carry on the war until she is sure that a complete and permanent peace will be secured. It would be comparatively easy to persuade Russia but a difficult matter to persuade Japan, consequently they are watching for an opportunity. Even the German Emperor who considers himself the greatest diplomat

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In Europe can do nothing but wait for an opportunity. The others are equally helpless. Not even a Talleyrand, a Metternich, a Disraeli, or a Gladstone could bring about peace until the opportunity arrives.

(The Yeredm Chohé, editorial, April 7th, 1905.)

## Copies of Foreign Telegrams Published in Japan

April 5, 1905.

### PEACE RUMOURS.

London, April 3. The Times correspondent at St. Petersburg wires that Japan and Russia have decided to select President Roosevelt as mediator. Russia desires an early conclusion of peace owing to her internal troubles. In America, however, not much credence is placed in the report.

### THE PEACE RUMOURS.

The report concerning President Roosevelt's mediation between Russia and Japan is authoritatively denied at Washington.

### THE PEACE REPORTS.

M. Delcassé, the French Minister of Foreign Affairs, speaking in the Senate, declared that he had nothing to do with the several preparations for peace between Japan and Russia.

President Roosevelt believes the terms of peace between Japan and Russia have been confidentially ascertained but he will not take the initiative in the matter.

Copies of Foreign Telegrams Published in Japan

April 3, 1904.

The Assistant Secretary.

May 26, 1904.

DIPLOMATIC BUREAU:

Ack., and copy to the President for his information.



BUREAU OF APPOINTMENTS  
JUN 8 1905  
Department of State  
*Wells*

UNITED STATES LEGATION,  
TOKIO.

TO ASST. SECRETARY  
MAY 29 1905

DIPLOMATIC  
JUN 5 1905  
BUREAU.

No. 235.

April 14, 1905.

*ack'd  
June 8, 1905  
2*

INDEX BUREAU  
REC'D.  
MAY  
8  
1905  
DEPT. OF STATE

CHIEF CLERK,  
MAY 8- 1905  
Department of State.

ASSISTANT SECRETARY,  
MAY 27 1905

Mr. Griscom to Mr. Hay.

INDEX BUREAU  
JUN 10 1905  
FILED

Subject:-- Endorsement of Consul General Bellows.

UNITED STATES LEGATION,  
TOKIO.

No. 235,

April 14, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to transmit for your information herewith enclosed a copy of a printed statement signed by the editors of six of the leading foreign newspapers published in Yokohama, wherein they declare that they and their representatives have always been treated with the greatest kindness and courtesy by Consul General Bellows and that both as an official and a man he has established the strongest claim to their unqualified esteem and respect.

A copy of this printed statement was presented to me by Mr. F. Schroeder, a German gentleman who is the Editor of the "Eastern World", a weekly paper published in English.

I have the honor to be,

Sir,

Your obedient servant

*Lloyd C. Criscom.*

Enclosure:

Copy of printed statement signed by the editors of  
six foreign newspapers of Yokohama.

Enclosure with Mr. Griscom's No. 235 of April 14, 1905.

C O P Y .

TO WHOM IT MAY CONCERN.

Yokohama, April 1, 1905.

In view of a report which appeared in a recent issue of the Seattle Post Intelligencer to the effect that "there had been much complaint against Mr. Bellows (the American Consul-General at Yokohama) by Americans travelling abroad that they were not treated with as much consideration as they had a right to expect" we, the undersigned editors of the foreign press of Yokohama, feel it our duty to declare that we and our representatives have always been treated with the greatest kindness and courtesy by Consul-General Bellows and that, both as an official and a man, he has established the strongest claim to our unqualified esteem and respect.

(Signatures)

Japan Daily Advertiser, American	(ed) A. M. Knapp
Box of Curios, Weekly	" H. V. Thorn
Japan Daily Herald, English	" Thomas Satchell
Japan Daily Gazette	" L. D. Adam
Japan Daily Mail	" A. Bellamy Brown
The Eastern World, Weekly, German	" F. Schroeder

Memorandum with Mr. Driscoll's No. 47 April 14, 1905.

0000

Office of

The Assistant Secretary.

1905.

May 26/05-1905

THIRD ASSISTANT SECRETARY

ACKNOWLEDGE.

FILE.

FILE.

Mr. Knapp  
V. Thorne  
and Hatchell  
Dr. A. A. Allen  
William Brown  
Schroeder

TELEGRAM RECEIVED IN CIPHER.

RECEIVED

APR 19 1905

BUREAU

*From*

Tokio,

April 18, 1905.

Received 1.20 P. M.

*Handwritten: 6/10/05*  
*Handwritten: J. H. G.*  
Secretary of State,  
Washington.

ASSISTANT SECRETARY,

APR 19 1905

Eighteenth.

Tsugaru Straits have been officially declared to constitute a defense zone, and the Pescadore Islands are all included within one defense zone.

G R I S C O M

DEPARTMENT OF STATE

APR 18 1 36 PM 1905

CHIEF CLERK'S OFFICE



ed by the Chief Clerk's Office, 1.35 P. M.

TELEGRAM RECEIVED IN CIPHER.

RECEIVED

APR 19 1905

BUREAU.

From TOKIO,

Received April 18, 1905,

9:21 a. m.

Secretary of State,

Washington.

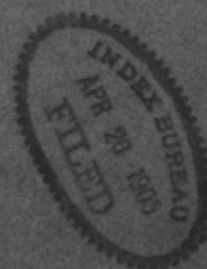
April 18, 3 p. m.

ASSISTANT SECRETARY.

APR 19 1905

Fisher telegraphs reported a part of Japanese fleet arrived at the Pescadores 16th; foreign vessels can now enter Kelung if agents notify before arrival.

GRISCOM.



C.C.'s Office, April 18, 1905. 10:20 a. m.

UNITED STATES LEGATION,  
TOKIO.

**NO. 236.**



To Mr. Lobb  
 the Secy of War.  
 Wash. D.C. (M.J.)

Done June 5, 1905

April 18, 1905.



MR. GRISCOM TO MR. HAY.

**SUBJECT:** Shipment of two cases containing Japanese and Russian rifles for presentation to the President and to the Secretary of War by the Japanese Minister of War.

file

UNITED STATES LEGATION,  
TOKIO.

No. 236.

April 18, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to report that in a recent interview with His Excellency General Baron Terauchi, the Japanese Minister for War, he informed me that he had caused several damaged rifles and bayonets to be picked up on the Manchurian battle fields for the purpose of presentation to the President and Mr. Taft, the Secretary of War, as relics of the war. I at once consented to receive and forward the gift. Two cases, accompanied by letters, have been received by me at this Legation to-day. The case addressed to the President contains one Russian and one Japanese rifle with accompanying bayonets, ten empty cartridges and one Russian sword, and the case addressed to the Secretary of War contains one Russian and one Japanese rifle with accompanying bayonets and ten empty cartridges, all of which articles have been damaged by shell or rifle fire. I transmit you herewith a copy of the letter of General Terauchi together with his letters addressed to the President and Mr. Taft.

I will ship the two cases by the Pacific Mail Steamship "Siberia" sailing from Yokohama on the 29th instant, consigned to W. A. Cooper, American Dispatch Agent, San Francisco, with a request that he forward them in due course to you.

I have the honor to be,

Sir,

Your obedient servant

*Lopachinski.*

ENCLOSURES:

(2)

**ENCLOSURES:**

1. General Terauchi to Mr. Griscom,  
April 18, 1905.
2. General Terauchi to the President.
3. General Terauchi to the Secretary of War.

Enclosure No. 1. with Mr. Griscom's No. 236 of April 18, 1905.

C O P Y .

Tokio, 18th April, 1905.

Monsieur le Ministre,

I have the honor to forward to Your Excellency two cases containing arms to present to Their Excellencies the President and the Secretary of War of the United States of America, together with two letters herein enclosed which I shall be greatly obliged if Your Excellency will do me the favor to transmit them to the addresses respectively.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Signed : M. Terauchi.

To His Excellency

Lloyd C. Griscom,

Envoy Extraordinary and

Minister Plenipotentiary

etc. etc. etc.

TELEGRAM RECEIVED IN CIPHER.

APR 24 1905

BUREAU

From TOKIO,

Received April 19, 1905,

11:50 a. m.

*600  
4/25  
J. H. G.*

Secretary of State,  
Washington.

ASSISTANT SECRETARY,

APR 19 1905

April 19, 4 p. m.

Referring to your telegram 23rd February  
Uyeki Kametaro has been definitely located at  
Chemulpo, Korea. Japanese Government states ex-  
tradition impossible.

GRISCOM.

DEPARTMENT OF STATE

APR 19 12:41 PM 1905

CHIEF CLERK'S OFFICE

C.C.'s Office, April 19, 1905. 12:30 p. m.



TELEGRAM RECEIVED IN CIPHER.

DIPL. MATIC

APR 21 1905

BUREAU.

From TOKIO,

Received April 20, 1905,

7:16 ASSISTANT SECRETARY,

APR 21 1905

Secretary of State,  
Washington.

April 20, 11 a. m. I learn unofficially that Japan has made a mild protest to France against the stay of the Russian war vessels in French territorial waters. The Japanese press is unanimously urging the Government to take a firm stand.

G R I S C O M.



C.C.'s Office, April 20, 1905, 9:20 a. m.

UNITED STATES LEGATION,  
TOKIO.

*Hay*

RECEIVED

MAY 15 1905

BUREAU.

No. 237.

April 20, 1905.



MR. GRISCOM TO MR. HAY.



SUBJECT: Acknowledging telegram Hagoon appointed Governor  
of Panama;-- Telegram repeated to Captain Per-  
shing in Manchuria.

UNITED STATES LEGATION,  
TOKIO.

No. 237.

April 20, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to inform the Department that on the 8 instant I repeated to Captain Pershing, now with the Japanese army in Manchuria, the Department's telegram received on the same date reading as follows:

"Griscom, Tokio.

"Magoon appointed Governor Panama. Inform Pershing.

"Loomis."

I have the honor to be,

Sir,

Your obedient servant,

*L. J. Loomis.*

UNITED STATES LEGATION,  
TOKIO.

DIPLOMATIC

MAY 22 1905

BUREAU.

No. 238.

April 20, 1905.



*Added and may 23  
to Mr. Hay  
H. P. W.  
File  
sup.*

MR. GRISCOM TO MR. HAY.



SUBJECT: Hakodate Consular-Agent's report of April 12, and  
possible Japanese military expedition against the  
island of Saghalien.

UNITED STATES LEGATION,  
TOKIO.

No. 238.

April 20, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to transmit herewith a copy of a report from our Consular-Agent at Hakodate from which it will be seen that there is considerable military activity in the north of Japan.

In this connection I may state it is generally understood that a Japanese military expedition is now organizing which will attack the island of Saghalien as soon as the seas in that region are sufficiently free of ice to permit of safe navigation, which will probably be at the beginning of next month.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom.*

ENCLOSURE: Mr. King to Mr. Griscom, April 12, 1905.

UNITED STATES LEGATION,  
TOKIO.

No. 238.

April 20, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to transmit herewith a copy of a report from our Consular-Agent at Hakodate from which it will be seen that there is considerable military activity in the north of Japan.

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I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom.*

ENCLOSURE: Mr. King to Mr. Griscom, April 12, 1905.

ENCLOSURE WITH MR. GRISCOM'S NO. 236 OF APRIL 20, 1905.

COPY.

CONSULAR AGENCY OF THE UNITED STATES  
OF AMERICA.  
HAKODATE, JAPAN.

No. 201.

April 12th, 1905.

H. H. Lloyd G. Griscom,  
Esq., Esq., Esq.

Sir:

From information to hand today from Otaru, I understand that there are at that place and at Sapporo, about 20,000 men, also a considerable quantity of military stores, guns, carts, wagon wheels and etc.

No transports had left there up to the 10th, but two transports carrying about 2,500 men arrived at Hakodate on the 6th, but left again within an hour of their arrival.

A report that the Russian cruisers had left Vladivostok reached here on the 10th, and the same night the "Asama", and the "Yuzo", left in a westerly direction and to date have not returned.

Lieut. General Hayashi and staff passed through here on the 10th bound to Sapporo, and I understand that he will have command of the army now in Otaru.

I am, etc.,

Signed: E. J. King  
Consular-Agent.

UNITED STATES LEGATION,  
TOKIO.

No. 239.

April 20, 1905.

DIPLOMATIC

MAY 22 1905

BUREAU.



*Handwritten:*  
For info  
to Mr. Hay  
May 22 1905  
J. H. P.

ASSISTANT SECRETARY,  
MAY 22 1905

MR. GRISCOM TO MR. HAY.

SUBJECT: Hakodate Consular-Agent's report of April 15, 1905.  
Military activity in the north of Japan.-- Rumor-  
ed expedition to attack the island of Saghalien.



UNITED STATES LEGATION,  
TOKIO.

No. 239.

April 20, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to transmit herewith a copy of  
a further report from our Consular-Agent at Hakodate in  
relation to the military activity in the north of Japan.

The report of the Consul was made in response  
to an inquiry by me for information concerning the rumored  
expedition to attack the Island of Saghalien referred to  
in my No. 238 of the 20th instant.

I have the honor to be,

Sir,

Your obedient servant

*Lopd Griscom.*

ENCLOSURE

Mr. King to Mr. Griscom, April 15, 1905.

UNITED STATES LEGATION,  
TOKIO.

No. 239.

April 20, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to transmit herewith a copy of  
a further report from our Consular-Agent at Hakodate in  
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The report of the Consul was made in response  
to an inquiry by me for information concerning the rumored  
expedition to attack the Island of Saghalien referred to  
in my No. 238 of the 20th instant.

I have the honor to be,

Sir,

Your obedient servant

*Lopd Griscom.*

ENCLOSURE

Mr. King to Mr. Griscom, April 15, 1905.

**H O L D**

Name \_\_\_\_\_

Req. No.

~~Frontier~~ 456

Boone	176
-------	-----

**RETURN**

**HOLD**

**INDEX**

**Req. No.**

~~Page 135~~

~~Page 11~~

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**RETURN**

Enclosure with Mr. Grisco's No. 239 of April 20, 1905.

C O P Y .

No. 207.

April 15, 1905.

H. E. Lloyd C. Grisco,  
American E. E. and M. P. to Japan,  
Tokio.

Sir:

I enclose a copy of a letter received from Mr. McCready, an American residing in Sapporo, and which refers to the movement of troops you inquired about.

At the same time I have received information from the master of the Br. S. S. "Ore", which vessel arrived here this morning, that he arrived in Otaru at noon on the 12th, and left at daylight on the 14th, and that during his stay in port there, there were no transports in the harbor and but very few soldiers on shore.

It is possible therefore that the men left prior to the 12th, or that the expedition has been given up on account of the approach of the Baltic Fleet, the movements of the naval vessels in this vicinity leading me to believe the latter.

The "Asama", "Iwate", "Akitsushima", "sado Maru", and "Bingo Maru", also four colliers arrived here yesterday, and after coaling and taking in a large quantity of supplies, the vessels left at six P. M. last night and when last seen, were off the western end of Tsugaru Straits, steering in a southerly direction.

The "Hippon Maru", and "Kenghong Maru", arrived here this morning and I am told that they are to take the place of the cruisers that left here.

Should

Should I hear of anything of importance I will telegraph to you.

I am, Sir,

Your obedient servant,

(Signed) E. J. King

Consular Agent.

Enclosure:- Copy of a letter from Mr. McCready.

COPY.

INTERNATIONAL OIL CO.

Sapporo, April 13th, 1905.

Mr. E. J. King,

Hakodate.

Dear Sir:

Just returned from the country. I understand  
shipment was made yesterday, via Otaru.

Very truly yours,

(Signed) C. H. McCready.

COPY.

INTERNATIONAL OIL CO.

Barbours, April 13th, 1905.

W. E. J. King.

The Assistant Secretary.

Barbours

May 17, 1905.

DIPLOMATIC BUREAU:

To War and Navy for their  
information.

Barbours

A handwritten signature in dark ink, appearing to be 'J. P. King', is written over the typed text of the letter.

RECEIVED

*copy sent to Mr. [unclear]*  
*Adm. [unclear]*  
*checked by [unclear]*  
*Confidential [unclear]*  
*[unclear]*

TELEGRAM RECEIVED IN CIPHER.

APR 21 1905

BUREAU.

From TOKIO,

Received April 21, 1905,

10:40 a. m.

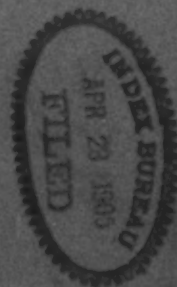
ASSISTANT SECRETARY,

APR 21 1905

Secretary of State,  
Washington.

April 21, 5 p. m. Confidential. Minister for Foreign Affairs calls my attention to the publication by the Department of State of my telegram of February 6, 1904, reporting his confidential communication of that date. He states that he did not intend to convey the meaning that hostilities would not begin until after the withdrawal of their Legation and the declaration of war, and asks that the telegram be withheld from publication in our Foreign Relations.

G R I S C O M.



C.C.'s Office, April 21, 1905. 11:05 a. m.

743 1122  
DEPARTMENT OF STATE

Second Assistant Secretary's Room.

MEMORANDUM.

Apr. 21.

Diplomatic Bureau:

Confirm. The telegram of February 6th, has been omitted from Foreign Relations as requested. See  
action by cable.

ccy

UNITED STATES LEGATION,  
TOKIO.



April 24, 1905.

LEGATION  
MAY 22 1905

BUREAU



ASSISTANT SECRETARY,

MAY 22 1905

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

Referring to my dispatch of the 17th February, I have the honor to report that I sailed from Japan for Manila on the 24th of that month, the steamer having been delayed a number of days, and returned to Tokio and resumed my duties at the Legation on the 23rd instant.

The Philippines proved so interesting that I availed of my entire leave for the purpose of seeing and studying conditions there.

I have the honor to be,

Sir,

Your obedient servant,

*Huntington Wilson*

Secretary of Legation.

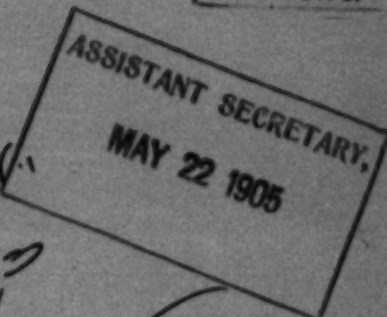
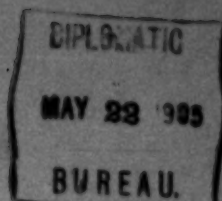
*File*



UNITED STATES LEGATION,  
TOKIO.

No. 240.

April 26, 1905.



*Also and  
forwarded  
to May 22*

*filed*

MR. GRISCOM TO MR. HAY.



SUBJECT: Surgeon-Captain Lynch, U.S. Army, granted permission by the Japanese Government to remain two months longer with the Japanese armies in Manchuria.

UNITED STATES LEGATION,  
TOKIO.

No. 240.

April 26, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S I R :

I have the honor to inform the Department that on the 4 instant I received from Surgeon-Captain Lynch of the United States Army, with the Japanese army in Manchuria, a telegram reading as follows:

"American Minister,

"Tokyo.

"Have made application for two

"months extension of time in Manchuria.

"Please support it.

"Lynch, Captain U.S. Army. "

I thereupon at once addressed a note to the Minister for Foreign Affairs, a copy of which I enclose herewith, asking that Captain Lynch be granted the desired extension of two months in the time for his observations with the Japanese army, and on the 16 instant received Baron Komura's reply, a copy of which is also enclosed herewith, informing me that the request would be granted.

I have transmitted a copy of this reply to Captain Lynch in the field.

I have the honor to be,

Sir,

(2)

Sir,

Your obedient servant,

*Lloyd Garrison.*

ENCLOSURES: 1. Mr. Griscom to Baron Komura, April 4, 1905.  
2. Baron Komura to Mr. Griscom, April 18, 1905.

ENCLOSURE NO.1. WITH MR. GRISCOM'S NO.240 OF APRIL 26, 1906.

COPY.

No.130.

AMERICAN LEGATION,

Tokyo, April 4, 1906.

To His Excellency

The Baron Komura Jutaro,

Ac., Ac., Ac.

Monsieur le Ministre:

Referring to my note No.187 of December 12, 1904, I have the honor to request that Captain Lynch of the American Army, now with the Second Imperial Army in Manchuria, be granted permission to remain two months longer at the front.

I avail, Ac.,

Signed: Lloyd C. Griscom

Received of a reply to the effect that the request will be granted.

I avail, Ac.,

Signed: Baron Komura Jutaro,

Minister for Foreign Affairs.

ENCLOSURE NO.2. WITH MR. GRISCOM'S NO.240 OF APRIL 26, 1905.

COPY.

Translation.

No.23.

Department of Foreign Affairs,  
Tokio, April 18, 1905.

His Excellency

Lloyd C. Griscom,

As., As., As.

Monsieur le Ministre;

In acknowledging the receipt of Your Excellency's note No.130 under date of the 4th inst. requesting that Captain Lynch of the United States Army, now with the Second Imperial Japanese Army in Manchuria, be granted permission to remain two months longer at the front, I have the honor to inform you that the matter having been promptly referred to the Minister of War, I am now in receipt of a reply to the effect that the desired permission will be granted.

I avail, As.,

Signed: Baron Komura Jutaro,  
Minister for Foreign Affairs.

ENCLOSURE NO. 2. WITH MR. CHURCH'S NO. 10. OF APRIL 26, 1905.

COPY.

Translation.

No. 2.

Department of Foreign Affairs,  
Tokio, April 18, 1905.

The Assistant Secretary.

May 17, 1905.

DIPLOMATIC BUREAU:

Inform War Department.

Ack. and file.



of your  
the 4th  
the United  
at Japanese  
to remain  
the honor  
been prompt-  
as now in  
the deat-

of information will be furnished.

I am, Sir,

Respectfully,  
Minister for Foreign Affairs.

UNITED STATES LEGATION,  
TOKIO.

No. 241.

April 26, 1905.


DIPLMATIC  
MAY 23 1905  
BUREAU.

ASSISTANT SECRETARY,  
MAY 22 1905



MR. GRISCOM TO MR. HAY.

*Chief of Inf. S. -  
may 27/05  
Bureau  
O. H. M. 31  
per*



SUBJECT: Mr. Henry Marce's mining property on Kwantang Pen-  
insula.-- Protection assured by the Japanese Gov-  
ernment.



UNITED STATES LEGATION,  
TOKIO.

No.241.

April 26, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to acknowledge the receipt of your instruction No.107 of February 27, regarding the request of Mr. Henry Marco, an American miner, that the Japanese Government extend protection to his mining property near Port Arthur, and enclosing a copy of the bill of sale of the said property together with copies of the letter transmitting it to the American Consul-General at Chefoo and the latter's covering dispatch to the Department.

On the 31 ultimo I brought the matter to the attention of the Japanese Government in a note to the Minister for Foreign Affairs of which I enclose herewith a copy, and am now in receipt of a reply, a copy of which is also enclosed, wherein I am assured that Mr. Marco's property will enjoy full protection under the rules of International Law.

Baron Komura adds that the matter has been referred to the local authorities and that he will later communicate to me the purport of their reply.

I have the honor to be,

Sir,

Your obedient servant,

*L. de Chiriqui*

Enclosed

(2)

ENCLOSURES: 1. Mr. Griscom to Baron Komura, March 31, 1905.  
2. Baron Komura to Mr. Griscom, April 15, 1905.

ENCLOSURE NO.1, WITH MR. GRISCOM'S NO.341, OF APRIL 26, 1906.

COPY.

No.122.

American Legation, Tokyo,

March 31, 1906.

To His Excellency

The Baron Komura Jutaro,

As., As., As.

Monsieur le Ministre:

Acting under the instructions of the Honorable the Secretary of State I have the honor to bring to Your Excellency's attention the request of Mr. Henry Harce, an American miner, that the Imperial Japanese Government protect his interest in a mining property said to be situated in the Idzumi range of mountains on Kwantung Peninsula. For Your Excellency's further information I send herewith enclosed a copy of Mr. Harce's letter to the American Consul-General at Chafco, and an English translation of the bill of sale of the property in question.

I avail, As.,

Signed: Lloyd C. Griscom.

ENCLOSURES: 1. Mr. Harce to Mr. Fowler, January 7, 1906.

2. Translation of bill of sale.

ENCLOSURE NO.2, WITH MR. GRISCOM'S NO.241, OF APRIL 26, 1905.

COPY.

Translation.

No.22.

Department of Foreign Affairs,  
Tokyo, April 16, 1905.

His Excellency

Lloyd G. Griscom,

Ac., Ac., Ac.

Monsieur le Ministre:

I have the honor to acknowledge the receipt of Your Excellency's Note No.128 of the 31st ultimo calling my attention, under instructions, to the request of Mr. Henry Harce, an American citizen, for the protection of his mining property in the Lineti range of mountains on Kuantung Peninsula which he bought from Michael Venedictov, a Russian subject, therein enclosing an English translation of the bill of sale of the said property.

In reply I beg to say that, as stated in my notes No.13 of the 9th and No.6 of the 14th ultimo in connection to private properties, the Imperial forces in Port Arthur, since its surrender in the month of January last, are protecting the properties of private individuals in strict accordance to the rules of International Law, and that such being the case, the mining property in question, if it had been legally acquired from the rightful owner, will not only be placed under

Full

(2)

full protection but never subjected to suffer any unlawful injuries.

I may add that the purport of your communication, together with the enclosed papers, has been referred to the authorities concerned, and I shall not fail to communicate to you on receipt of their reply.

I avail, &c.,

Signed: Baron Komura Jutaro,  
Minister for Foreign Affairs.

Mr. Smith:

The information  
in this despatch (no. 241)  
from Japan should be  
communicated to the  
Consul at Chefoo,  
through whom Mr. Marco  
request for protection  
of his property interests  
was brought to the  
Dept's attention. See  
Consul's despatch herewith.

J. Z. C.

5/26

DIPLOMATIC BUREAU:

Inform interested party.

Ack, and file.

Mr. Smith:

The information  
in this despatch (no. 241)  
from Japan should be  
communicated to the  
Consul at Chefoo,  
through whom Mr. Marks  
is in connection

The Assistant Secretary.

May 17, ..... 1905.

DIPLOMATIC BUREAU:

Inform interested party.

Ack, and file.



UNITED STATES LEGATION,  
TOKIO.

DIPL. AT. G.

MAY 22 1905

BUREAU.

Confidential.

No. 242.

April 22, 1905.

ASSISTANT SECRETARY,

MAY 22 1905

Mr. Griscom to Mr. Hay.

Subject:--Confirming an exchange of telegrams regarding  
the withholding from publication in the Foreign Relations  
of Mr. Griscom's telegram of February 5, 1904.



CHIEF CLERK,

MAY 15 1905

Department of State.

UNITED STATES LEGATION,  
TOKIO.

Confidential.

No. 242.

April 22, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to confirm my telegram to you of the 21st instant and to acknowledge the receipt to-day of your reply thereto. The telegrams, deciphered, read as follows:

"Secstate Washington.

"April 21, 5 P.M. Confidential. The  
"Minister for Foreign Affairs calls my attention to  
"the publication by the Department of State of my  
"telegram of February sixth nineteen four reporting  
"his confidential communication of that date. He  
"states that he did not intend to convey the meaning  
"that hostilities would not begin until after the  
"withdrawal of their Legation and the declaration of  
"war and asks that the telegram be withheld from pub-  
"lication in our Foreign Relations.

"Griscom".

"Griscom, Minister, Tokio.

"Your telegram February sixth nineteen four  
"omitted from Foreign Relations as requested.

"Loomis".

On the 21st instant, during an interview with the  
Minister for Foreign Affairs, he handed me a typewritten

memorandum

memorandum of a telegram received from the Japanese Minister in Washington reporting that he had seen the First Assistant Secretary of State respecting a newspaper article which, under the heading "Promise by Japan was apparently broken in the declaration against Russia", quotes the following official paraphrase of my telegram to you of February 6th, 1904: "United States Minister to Japan reports that Minister for Foreign Affairs states that declaration of war would not be made until after withdrawal of their Legation, which will probably take two or three days, and hostilities will not be begun until after the declaration of war." Mr. Loomis said that the Foreign Relation 1904, is under preparation, and its advance sheets were given to the newspapers according to the usual custom. Therefore this official correspondence had been brought before the public in the course of pure routine work, and no special motive whatever could be attached to its publication. As, however, some of the newspapers appear to convey an impression that the American Government had a special object in publishing this correspondence, Mr. Loomis declared he would give a statement to the newspapers correcting the error. In conclusion Mr. Takahira states his understanding that if the Japanese Government deems it necessary to correct my telegram it will be quite agreeable to the American Government and to me. A copy of this memorandum is transmitted herewith for your information.

Baron Komura then said to me that in his interview on February 6, 1904, he had not intended to convey the meaning alleged to have been expressed by me in the paraphrase of my confidential telegram of that date, and consequently it would be agreeable to the Japanese Government if the publication of the telegram was withheld from the Foreign Relations.

I stated in reply that I could not remember what I had telegraphed so long ago but that I would bring the matter to your knowledge and suggest that the telegram be withheld from publication.

Immediately upon the receipt this forenoon of your reply I informed Baron Komura by a personal letter that the telegram in question would be withheld from publication.

I have the honor to be,

Sir,

Your obedient servant

*Lloyd Chuseau.*

Enclosure: Copy of telegram from Mr. Takahira, Japanese Minister in Washington.

Enclosure with Mr. Grisson's No. 242 of April 22nd, 1905.

C O P Y .

Telegram received from Minister  
Takahira, dated April 16th, 1905.

In the temporary absence of Secretary of War, I saw First Assistant Secretary of State respecting the newspaper article, which under the heading "Premise by Japan was apparently broken in the declaration against Russia" quotes following official paraphrase of a telegram from U. S. Minister to Japan dated Feb. 6th, 1904: U. S. Minister to Japan reports that Minister for Foreign Affairs stated that declaration of war would not be made until after withdrawal of their legation, which will probably take two or three days, and hostilities will not be begun until after the declaration of war. First Assistant Secretary of State said that Foreign Relations, 1904, is under preparation, and its advance sheets were given to newspapers according to usual custom. Therefore this official correspondence has been brought before public in the course of pure routine work, and no special motive whatever can be attached to its publication. As however some of newspapers appear to convey an impression that this Government had a special object in publishing above correspondence, First Assistant Secretary of State will give statement to newspapers correcting error. I understand that if Imperial Government deemed necessary to correct telegram of U. S. Minister to Japan, it will be quite agreeable to this Government as well as U. S. Minister to Japan.

Memorandum with Mr. Orin's No. 1 of April 11, 1905.

COPY.

Telegrams received from Minister  
Tominaga, dated April 11, 1905.

In the temporary absence of Secretary of War, I

am sending the news-

papers by Japan

and "Herald"

from

U. S. Minister

in Alaska

and until

I probably

not be seen

Assistant Sec-

retary, in under

to newspaper

official cor-

respondence

the course

of news-

papers and this Government

had a special effort in publishing above correspondence,

that Assistant Secretary of State will give statement to

newspapers correcting error. I understand that it is im-

possible for Government to correct telegram of

U. S. Minister to Japan, it will be quite agreeable to

this Government as well as U. S. Minister to Japan.

The Assistant Secretary.

May 17, 1905.

DIPLOMATIC BUREAU OF THE DEPARTMENT OF STATE

File.

CHANCE

UNITED STATES LEGATION,  
TOKIO.

No. 243.

April 27, 1908.

RECEIVED

MAY 15 1908

BUREAU.



*Ans. May 16*  
*[Signature]*

MR. GRISCOM TO MR HAY.

*Ans. A copy was  
mailed to him on  
Mch. 25. [Signature]*

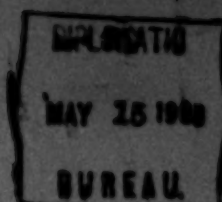


SUBJECT: Request for a copy of the Honorable W. W. Rockhill's  
"Treaties and Arrangements with and relating to  
China and Korea from 1894 to 1904."

UNITED STATES LEGATION,  
TOKIO.

No. 243.

April 27, 1905.



*Arrd.  
May 16  
filed*

MR. GRISCOM TO MR HAY.

*Ass. A copy was  
mailed to him on  
Mch. 25. G.S.*



SUBJECT: Request for a copy of the Honorable W. W. Rockhill's  
"Treaties and Arrangements with and relating to  
China and Korea from 1894 to 1904."

UNITED STATES LEGATION,  
TOKIO.

No. 243.

April 27, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

Sir:

I have the honor to request that this Legation  
be furnished with a copy of the work recently pre-  
pared by Honorable William W. Rockhill entitled  
"Treaties and Arrangements with and relating to China  
and Korea from 1894 to 1904".

I have the honor to be,

Sir,

Your obedient servant,

*L. J. McRae*

UNITED STATES LEGATION,  
TOKIO.

No. 244.

April 27, 1905.

RECEIVED  
MAY 16 1905  
BUREAU.



*Askd.  
May 11  
File*

MR. GRISCOM TO MR. HAY.



SUBJECT: Extradition of Uyeki Kametare impracticable---  
Confirming telegram---Reasons for its impracticability.

CHIEF CLERK,  
MAY 15 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No.244.

April 27, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to my dispatch No.214 of March 16, on the subject of the extradition of Uyeki Kametaro, I have the honor to enclose herewith a copy of a note received from the Minister for Foreign Affairs, dated April 19, in which Baron Komura states that the fugitive was, as the result of a close search, found to lie concealed in Chemulpo, Korea, under the alias of Doi Kanekichi, and that under the circumstances it is impossible to effect his arrest.

On the receipt of the above note I despatched my telegram of the 19 instant reading as follows:

"Secstate, Washington.

"April 19, 4.00 P.M. Referring to  
"your telegram of the twenty-third Feb-  
"ruary, Uyeki Kametaro has been defin-  
"itely located at Chemulpo Korea. Jap-  
"anese Government states extradition  
"impossible.

"Grissom."

Since that time Mr. Ishii, chief of the  
bureau at the Foreign Office in charge of matters

relating

(2)

relating to extradition, has informed me that the reason why Japan found it impossible to apprehend Uyeki in Korea was the fact that the United States Government had decided that the extraterritorial jurisdiction exercised in foreign countries was not "jurisdiction" in the sense of the treaty of extradition (Foreign Relations, 1875, vol. 2, p. 821); and that therefore if extradition were granted in the present case Japan could not expect the United States to give reciprocal treatment.

Mr. Ishii added however, that if in spite of the decision above referred to, the United States Government could guarantee that reciprocal treatment would be granted Japan under like circumstances, he had no doubt but that the Japanese Government would proceed with the arrest and extradition of Uyeki, and he requested that the note of Baron Komura on the subject be read in that sense.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

ENCLOSURE: Baron Komura to Mr. Griscom, April 19, 1905.

ENCLOSURE WITH MR. GRISCOM'S NO. 244 OF APRIL 27, 1906.

COPY.

Translation.

No. 24.

Department of Foreign Affairs,  
Tokio, April 19, 1906.

His Excellency

Lloyd C. Griscom,

Esq., Esq., Esq.

Monsieur le Ministre:

I have the honor to acknowledge the receipt of Your Excellency's note No. 128 dated the 27th February last informing me under telegraphic instructions of the United States Government that one Uyekichi Kumatere, a Japanese subject, is charged with the crime of murder in the territory of Hawaii, and that for his arrest a warrant was issued by the proper authorities on the 16th January last, and requesting, under the Extradition Treaty between the United States and the Empire of Japan, that the said Uyekichi Kumatere be provisionally arrested and detained pending the arrival of the formal extradition papers.

I now beg to inform you that the matter having been promptly referred to the proper authorities for the necessary steps being taken to ascertain the whereabouts of the accused so that he might be provisionally arrested as requested, I am now in receipt of a communication from the Minister of Justice stating to the effect that the man was, as the result of a close search,

found

(2)

found to lie concealed in Chumilgo, Korea, under the alias of Del Hamhichi and that, under the circumstance, it is impossible to effect his arrest.

I avail, &c.,

Signed: Baron Komura Jutaro,  
Minister for Foreign Affairs.

found to be concealed in Chicago, Korea, under  
the alias of Del Kankel and that, under the  
circumstances, it is impossible to effect his ar-  
rest.

I am, Sir,

Signed: Baron Komura Jutaro,  
Minister for Foreign Affairs.

Assistant Solicitor,

MAY 15 1905

Department of State.

*Dep. Sec.*

*ack.*

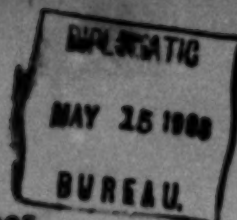
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ALL LINES

UNITED STATES LEGATION,  
TOKIO.

No. 245.

April 27, 1905.



*Agriculture*

*Enclosure  
sent to Apr. 9  
MAY 16*

*File  
Sg A*

MR. GRISCOM TO MR. HAY.



SUBJECT: Transmitting a copy of the map of Japan desired  
by the Secretary of Agriculture.

UNITED STATES LEGATION,  
TOKIO.

No.245.

April 27, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

In compliance with the Department's instruction No.105 of February 13, I have the honor to transmit by this mail under a separate cover, the copy of the map of Japan, scale of one to one million, requested by the Secretary of Agriculture for the use of the Office of Seed and Plant Introduction.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

UNITED STATES LEGATION,  
TOKIO.

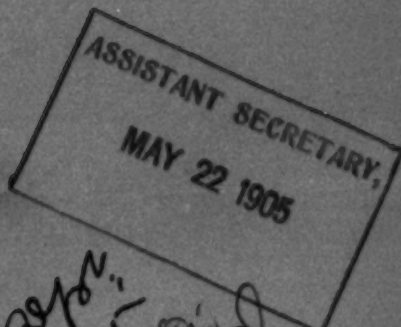
DIPL. ST. C.

MAY 22 1905

BUREAU.

No. 246.

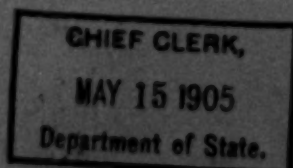
April 27, 1905.



Mr. Griscom to Mr. Hay.

*Jo. Kampston  
May 25 1905*

Subject:--Defenses of Taugaru Straits; condition of Soya  
Straits.



UNITED STATES LEGATION,  
TOKIO.

No. 246.

April 27, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to enclose herewith copy of a report from Mr. King, Consular Agent at Hakodate, upon the preparations of defenses in Tsugaru Straits.

It is generally understood here that the Soya Straits are still blocked with ice, while Tsugaru Straits are being mined so as to render them impassable to an enemy's fleet.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom.*

Enclosure:

Mr. King to Mr. Griscom, April 21, 1905,--copy.

closure with Mr. Griscom's No. 246, April 27, 1905.

(Copy)

221.

CONSULAR AGENCY OF THE UNITED STATES OF AMERICA,

Hakodate, April 21, 1905.

H. H. Lloyd C. Griscom,

American E. E. and M. P. to Japan,

Tokio.

Sir:

I now have definite information that the expedition to Saghalien has been temporarily postponed.

General Hayashi has returned to Hakodate, and is now in command of the fort here.

For the past five days the S. S. "Chosan Maru" together with two tugs has been busy laying mines in Tanguu Straits between Hakodate Head and Benten Shima opposite, and also off the western end of the straits. The mines I understand are electric mines connected with the shore.

Four heavy guns of large calibre have been mounted in the new fort constructed last fall on the southern side of the straits.

All war vessels with the exception of the "Misashi Kan" and four torpedo boats have apparently left here.

I am, Sir,

Your obedient servant,

Signed: E. J. King,

Consular Agent.

RECEIVED MAY 17 1905

(copy)

COMMITTEE OF THE UNITED STATES OF AMERICA

Washington, April 21, 1905.

H. H. Lloyd U. S. Secretary

Assistant Secretary

The Assistant Secretary.

May 17, 1905.

DIPLOMATIC BUREAU:

To Navy.

Your obedient servant,

Richard H. King,

Assistant Secretary.

RC

UNITED STATES LEGATION,  
TOKIO.

DIPL. ATIC  
MAY 22 1905

No. 247.

April 27, 1905. BUREAU.



*Handwritten:* Hoko May 24

ASSISTANT SECRETARY,  
MAY 22 1905

Mr. Griseon to Mr. Hay.

*Handwritten:* file sep



SUBJECT: Russian war-vessels in French waters---Attitude  
of Japan---Confirming telegram.

CHIEF CLERK,  
MAY 15 1905

UNITED STATES LEGATION,  
TOKIO.

No. 247.

April 27, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to confirm my telegram of the  
20th instant, which, deciphered, reads as follows:

"Secstate, Washington.

"April 20 - 11 A.M. I learn unofficially  
"that Japan has made a mild protest to France against  
"the stay of the Russian war vessels in French terri-  
"torial waters. The Japanese press is unanimously  
"urging the Government to take a firm stand.

"Griscom".

A few hours after dispatching the above message  
Baren Komura officially confirmed the report and said that  
a copy of the protest of Japan to France had been sent to  
the Japanese Minister in Washington to be handed to you.

For a few days the situation in Tokio was quite  
tense owing to the excitement among the Japanese press and  
public over the attitude of France in harboring the Russian  
Baltic Fleet for what was deemed an unduly prolonged stay  
in French territorial waters. The receipt, however, of  
the reply of the French Government removed the tension.  
I learn that this reply was likewise communicated to you  
through the Japanese Minister at Washington, so I will not  
transmit you the official statement issued here containing

the substance of the French note.

At the moment of present writing the exact whereabouts of the Russian fleet is apparently unknown in Japan and the imminence of a naval action is causing a state of excitement, although from the attitude of the Government and of the people it would seem that they have entire confidence in the ability of Admiral Togo to defeat the Russian squadron.

I have the honor to be,

Sir,

Your obedient servant

*L. G. Chisum.*

The Assistant Secretary.

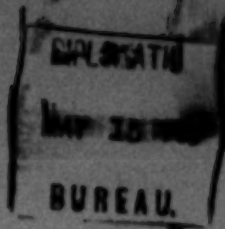
May 17, 1905.

DIPLOMATIC BUREAU:

ACK. AND FILE.

*M*

UNITED STATES LEGATION,  
TOKIO.



No. #

April 27, 1905.

Mr. Griseom to Mr. Hay.

*to Com. of Labor*  
*May 16.*  
*Bureau of Trade Relations.*

*One copy of publica-  
tion mailed to  
Library of Congress,  
May 16, 1905.*

Subject:- Transmitting two copies of the "Résumé  
Statistique".

UNITED STATES LEGATION,  
TOKIO.

No. #

April 27, 1905.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to transmit under separate cover  
two copies of the "Résumé Statistique de l'Empire du  
Japon" which has just been published.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

Enclosure: As noted.

cc

UNITED STATES LEGATION,  
TOKIO.

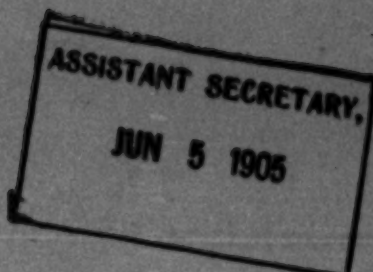


No. 248.

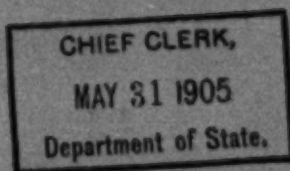
May 1, 1905.



*ack'd  
to C. & S.  
June 8, 1905  
John J. [unclear]*



Mr. Griscom to Mr. Hay.



Subject:-- Transmitting translation of the Law of Trusts  
passed at the last session of the Diet.

UNITED STATES LEGATION,  
TOKIO.

No. 248.

May 1, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington, D.C.

Sir:

I have the honor to transmit herewith two copies of an official translation of the Law of Trusts for Secured Debentures which was passed at the last session of the Japanese Diet. The translation was prepared by the Department of Justice.

I have the honor to be,

Sir,

Your obedient servant,

*L. J. de Suisse*

Enclosure:

Two copies of the Law of Trusts, translated.

*Int. M. Griscuin No. 24*  
*7 May 1, 1900.*

## LAW OF TRUSTS FOR SECURED DEBENTURES.

### CHAPTER I.

#### GENERAL PROVISIONS.

ARTICLE I. By the term "Trust Company" in the present Law is understood a company engaged in trust business connected with secured debentures.

ARTICLE II. Debentures, to which it is proposed to attach security on things, must be issued in accordance with the trust contract concluded between the company issuing the debentures and the trust company.

ARTICLE III. The acceptance of a trust under the present Law constitutes a commercial transaction.

ARTICLE IV. The security on things to be attached to debentures is limited to the following:—

1. Pledge of movables;
2. Pledge of a claim under a written instrument;
3. Mortgage on immovables;
4. Mortgage on vessels;
5. Mortgage on railways;
6. Mortgage on factories;
7. Mortgage on mining.

ARTICLE V. Trust business connected with secured debentures must not, except in cases otherwise provided for by special law, be carried on without a charter from the competent authorities.

ARTICLE VI. A trust company cannot in addition engage in any other business except that of banking.

ARTICLE VII. The total amount of the share capital, or of the contributions in money, of a trust company shall not be less than a million yen.

ARTICLE VIII. A trust company cannot commence its business until the amount paid-up of its capital or contributions in money reaches five hundred thousand yen.

ARTICLE IX. The transactions relating to trusts are under the control of the competent authorities.

ARTICLE X. The competent authorities may at any time cause a trust company to make a business report or may examine its transactions and the condition of its property.

ARTICLE XI. If the competent authorities consider the transactions or the condition of the property of a trust company unsuitable for the conduct of such business, they may order the suspension of its business or an alteration in its method of conducting business, and otherwise issue orders necessary for protecting the interests of the assignor company and debenture-holders.

ARTICLE XII. In the event of a trust company infringing the laws and ordinances, articles of association, or orders of the competent authorities, or committing an act injurious to the public interest, the competent authorities may order the suspension of its business or a new election of its directors, or cancel its charter.

ARTICLE XIII. A company engaged exclusively in trust business connected with secured debentures is dissolved by the cancellation of its charter.

ARTICLE XIV. If a trust company is dissolved by the cancellation of its charter, the competent authorities shall, upon application of the persons interested, appoint a liquidator.

ARTICLE XV. The appointment a removal of the liquidator mentioned in Art. LXXXVIII, Art. LXXXIX, Art. XCVI, Par. 2, Art. C, Art. CCXXVI, Par. 2, Art. CCXXVIII, Par. 2 or Art. CCXXXII of the Commercial Code shall be made by the competent authorities.

The application mentioned in Art. CCXXVIII, Par. 2, of the Commercial Code may be made also by the assignor company and a meeting of debenture-holders.

ARTICLE XVI. The liquidation of a trust company is under the control of the competent authorities.

The competent authorities may at any time make examinations necessary for the control mentioned in the preceding paragraph.

ARTICLE XVII. A company which proposes to invite subscription in a foreign country for debentures secured on things may, with the permission of the competent authorities, conclude a trust contract with a foreign company.

The foreign company which accepts a trust in accordance with the provisions of the preceding paragraph shall, unless it has a branch-office in Japan, appoint a representative in this country.

A commercial company may become the representative referred to in the preceding paragraph.

Upon the appointment of the representative according to the provisions of the second paragraph, the name and address or the trade-name and head office of such representative shall be reported without delay to the competent authorities.

The representative of a foreign company in Japan possesses the same powers with respect to trust business as the directors or managing partners of a trust company.

## CHAPTER II.

### TRUST-DEED.

ARTICLE XVIII. A trust contract shall be concluded by means of a trust-deed.

ARTICLE XIX. A trust-deed shall contain the following matters and be signed by the representatives of the assignor and assignee companies:—

1. The trade-names of the assignor and assignee companies;
2. The total amount of the debentures;
3. The amount of each debenture;
4. The price of issue of the debentures, or the minimum price thereof;
5. The rate of interest on the debentures;
6. The manner and time of redemption of the debentures;
7. The manner and time of payment of the interest;
8. Designation of matters to be inscribed in the debenture-certificate, and if the interest coupon is attached thereto, a statement of the fact;
9. The kind, subject, and order of priority of the security, amount of previous claims thereon, and also designation of rights that may be set up against the holder of the security in respect of the subject thereof;
10. In the case of debentures mentioned in Art. XXXII, a statement of the fact and the portion borne by each company;
11. The designation of the trust and the acceptance thereof;
12. The date at which the deed is made.

The amounts of the debentures must be either identical or divisible by the lowest amount among them.

ARTICLE XX. The trust-deed shall be drawn up in duplicate, a copy each being preserved by the assignor and assignee companies.

The original trust-deed mentioned in the preceding paragraph shall be kept at the head office and a copy thereof at each branch office.

ARTICLE XXI. The original or copy of the trust-deed shall at any time during business hours be open to inspection upon application of the shareholders, creditors, or subscribers for debentures of the assignor company.

### CHAPTER III.

#### INVITATION TO SUBSCRIBE FOR DEBENTURES.

ARTICLE XXII. The company which invites subscription for debentures secured on things under a trust contract shall publish the following items:—

1. The matters mentioned in Items Nos. 1-7 and 10 of Art. XIX, Par. 1;
2. The fact that the debentures in question are secured on things;
3. Designation of the trust-deed;
4. Brief designation of the matters mentioned in Item No. 9 of Art. XIX, Par. 1, so far as is necessary for disclosing the value of the security;
5. If the debentures have been previously subscribed for, the total amount yet unredeemed;
6. The share capital of the company and the total amount paid up on the shares;
7. The value of the actual property of the company as shown by the last balance-sheet;
8. The time and place for keeping the trust-deed or a copy thereof open to the inspection of the subscribers.

The above-mentioned public notice shall be given with the assent of the assignee company.

ARTICLE XXIII. The assignor company may authorize the assignee company to invite subscription for the debentures under a trust contract. In such an event the assignee company is empowered, unless otherwise provided for in the trust contract, to take all actions relative to the issue of the certificates, redemption of the debentures, and payment of the interest.

ARTICLE XXIV. In the case specified in the preceding Article the public notice mentioned in Art. XXII, Par. 1 shall be given by the assignee company.

The above-mentioned public notice shall contain a statement that the assignee company invites subscription for the debentures on behalf of the assignor company.

ARTICLE XXV. The assignee company may take up the entire amount of the debentures conformably to the provisions of the trust contract.

In the case mentioned in the preceding paragraph the public notice prescribed in Art. XXII and the preceding article will be unnecessary.

ARTICLE XXVI. In the case mentioned in the first paragraph of the preceding article the assignee company may divide into lots the debentures which it has taken up and require the assignor company to issue certificates respectively corresponding thereto.

The assignee company which is empowered to issue debenture-certificates under the trust-contract, may issue the certificates mentioned in the preceding paragraph after giving notice thereof to the assignor company.

ARTICLE XXVII. If the assignee company proposes to transfer the debentures which it has taken up conformably to the provisions of Art. XXV, Par. 1, public notice shall be given of such fact.

To the matters to be specified in the above-mentioned public notice, the provisions of Art. XXII, Par. 1 correspondingly apply.

The assignee company shall at any time during the business hours allow the trust-deed or copy thereof to be inspected upon application by those to whom the debentures are to be transferred.

ARTICLE XXVIII. If the assignee company has transferred the debentures conformably to the provisions of the preceding article, it is empowered, on behalf of the assignor company, to take all actions relative to the redemption of the debentures and payment of the interest.

ARTICLE XXIX. The assignor or assignee company may let the entire amount of the debentures be taken up by a third party conformably to the provisions of the trust contract.

The taking up of the entire amount of debentures in accordance with the provisions of the preceding paragraph constitutes a commercial transaction.

The party who has taken up the entire amount of the debentures conformably to the provisions of the first paragraph may divide into lots the debentures which

it has taken up and require the assignor company to issue certificates respectively corresponding thereto.

If the assignee company is empowered to issue certificates under the trust-contract, the demand mentioned in the preceding paragraph may be addressed to the said company.

ARTICLE XXX. The provisions of Art. XXV, Par. 2, Art. XXVII, Pars. 1 and 2, and Art. XXVIII correspondingly apply to the case in which the entire amount of the debentures has been taken up by a third party conformably to the provisions of the first paragraph of the preceding article.

ARTICLE XXXI. The assignor or assignee company shall deliver a copy of the trust-deed to the party who has taken up the entire amount of the debentures conformably to the provisions of Art. XXIX, Par. 1.

The above-mentioned copy shall be signed by the representative of the assignor or assignee company and certified to be identical with the original deed.

The provisions of Art. XXVII, Par. 3 correspondingly apply to the copy mentioned in the first paragraph.

ARTICLE XXXII. A company may jointly with others issue debentures. In such an event the assignee company shall be authorized to invite subscription for the debentures or required to take up the entire amount thereof.

ARTICLE XXXIII. In the case mentioned in the preceding article the assignee company is empowered to take all actions relative to the issue of the certificates, redemption of the debentures, and payment of the interest.

ARTICLE XXXIV. The assignor company shall, conformably to the provisions of Art. CCIV, Par. 2, of the Commercial Code, register the following matters:—

1. The matters mentioned in Items Nos. 1, 2, 3, 5, 6, 7, 9 and 10 of Art. XIX, Par. 1;
2. The matters mentioned in Items 2 and 3 of Art. XXII, Par. 1;
3. In the case of the authorization provided for in Art. XXIII, or the taking up of debentures as provided for in Art. XXV, Par. 1, a statement of such fact;
4. If debentures have been taken up as provided for in Art. XXIX, Par. 1, a statement of such fact and the personal name or trade-name of the party taking them up.

Note: Commercial Code, Art. CCIV. When the subscriptions for the debentures have been completed, the directors must require every debenture to be fully paid up.

Within two weeks from the day on which the whole amount has been paid in conformably to the provisions of the preceding paragraph, the directors must register the matters specified in Nos. 3-6 of Art. CLXXIII in the districts where their head and branch offices are respectively situated.

## CHAPTER IV.

### DEBENTURE-CERTIFICATES.

ARTICLE XXXV. The debenture-certificates prescribed in the trust-deed shall contain the following matters:—

1. The matters mentioned in Items Nos. 1, 2, 3, 5, 6 and 7 of Art. XIX, Par. 1;
2. The matters mentioned in Items Nos. 2 and 3 of Art. XXII, Par. 1;
3. Serial numbers of the certificates;
4. The matters mentioned in Items Nos. 3 and 4 of the preceding article.

ARTICLE XXXVI. When the assignor company has issued debenture-certificates which conform to the provisions of the trust contract, the assignee company shall, upon application of the other, certify that the said certificates are those specified in the trust-deed and surrender them to the assignor company or its nominee.

The above-mentioned certification is effected by inscribing it on each certificate and affixing thereto the signature of the directors or managing partners of the assignee company.

ARTICLE XXXVII. Debenture-certificates under the trust-deed do not take effect without the certification prescribed in the preceding article.

ARTICLE XXXVIII. When debenture-certificates have been issued by the assignee company on behalf of the assignor company, the fact shall be stated on each certificate and signed by the directors or managing partners of the assignee company.

In the above-mentioned case the provisions of the preceding two articles do not apply.

ARTICLE XXXIX. When debenture-certificates have been issued by the assignee company on behalf of the assignor company, the entry prescribed in Art.

CCVI of the Commercial Code shall be made by the assignee company and the demand specified in Art. CCVII of the same code shall be made upon the same company.

Note: Commercial Code, Art. CCVI. The transfer of a name-debenture cannot be set up against the company or any other third person unless the name and residence of the transferee have been entered in the debenture-list and his name inscribed on the certificate thereof.

Art. CCVII. The provisions of Art. CLV apply correspondingly to debenture-certificates.

Art. CLV. When the entire amount of a share has been paid, the holder thereof may require it to be made out to bearer.

The shareholder may at any time require his share-certificate to order to be changed into a name-share.

## CHAPTER V.

### DEBENTURE-LIST.

ARTICLE XL. When debentures secured on things have been issued by a company, following matters shall, in addition to those specified in Art. CLXXIII of the Commercial Code, be entered in the debenture-list:—

1. The matters mentioned in Items Nos. 1, 7, 9, and 10 of Art. XIX, Par. 1;
2. The matters mentioned in Items Nos. 2, 3, and 4 of Art. XXXIV.

Note: Art. CLXXIII. The following matters must be entered in the debenture-list:—

1. The names and residences of the debenture-holders;
2. The number of each debenture-certificate;
3. The total amount of the debentures;
4. The amount of each debenture;
5. The rate of interest on the debentures;
6. The manner and time of redemption of the debentures;
7. The date of issue of the certificates;
8. The date at which each debenture was acquired;
9. In the case of the issue of certificates to bearer, their total number, serial numbers, and date of issue.

ARTICLE XLI. The assignor company shall make a copy of the debenture-list and deliver it to the assignee company.

The above-mentioned copy shall be signed by the directors or managing partners of the assignor company, and certified to be identical with the original list.

ARTICLE XLII. The assignee company shall keep at its head office the copy mentioned in the preceding article and allow it at any time during business hours to be inspected upon application by the debenture-holders.

ARTICLE XLIII. Whenever an alteration has taken place in any entry of the debenture-list, the assignor company shall give the assignee company a written notice thereof signed by its directors or managing partners.

Upon receipt of the above-mentioned notice, the assignee company shall preserve it by annexing it to the copy of the debenture-list.

ARTICLE XLIV. When debentures have been issued by the assignee company on behalf of the assignor company, the debenture-list shall be made by the assignee company and kept at its head office.

The provisions of Art. CLXXI, Par. 2, of the Commercial Code correspondingly apply to the case mentioned in the preceding paragraph.

Note: Commercial Code, Art. CLXXI. The directors must keep at the head and branch offices the articles of association and the records of the resolutions passed at general meetings, and at the head office the list of shareholders and the debenture-list.

The shareholders and creditors of the company may at any time during business hours demand an inspection of the above-mentioned documents.

ARTICLE XLV. In the case mentioned in the first paragraph of the preceding article, the assignee company shall make a copy of the debenture-list and deliver it to the assignor company.

The provisions of Art. XLI, Par. 2, Art. XLII, and Art. XLIII, and of Art. CLXXI, Par. 2, of the Commercial Code, correspondingly apply to the case mentioned in the preceding paragraph.

Note: For Commercial Code, Art. CLXXI, see Note to the preceding article.

ARTICLE XLVI. When the debenture-list has been made by the assignor or assignee company, a copy thereof shall be delivered to the party who has taken up the entire amount of the debentures conformably to the provisions of Art. XXIX, Par. 1.

The provisions of Art. XLI, Par. 2 and Art. XLIII correspondingly apply to the case mentioned in the preceding paragraph.

ARTICLE XLVII. Whenever the assignor or assignee company or the party who has taken up the entire amount of the debentures conformably to Art. XXIX,

Par. 1, has acted in such a manner as to produce an alteration in any entry of the debenture-list, a written notice thereof shall be given to the company in possession of the debenture-list.

## CHAPTER VI.

### MEETING OF DEBENTURE-HOLDERS.

ARTICLE XLVIII. The assignee company or the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1, may, whenever necessary, convene a meeting of debenture-holders.

ARTICLE XLIX. The assignor company and debenture-holders representing one-tenth of the entire amount of the debentures may require a meeting to be convened by presenting a statement in writing of the object of such meeting and the reasons for convening it to the assignee company or the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1.

In the event of the party to whom the demand mentioned in the preceding paragraph has been made failing to take steps for convening the meeting within two weeks from the date on which the demand was made, the party making the said demand may, with the permission of the competent authorities, convene the aforementioned meeting.

ARTICLE L. The meetings prescribed in Arts. XV, Par. 2, Arts. LXXXIX, XCIV, and XCIX may be convened by the debenture-holders themselves, who represent one-tenth of the entire amount of the debentures.

The meetings mentioned to the preceding paragraph shall be held, unless otherwise determined by the trust contract, at the place where the head office of the assignee company is situated.

The meetings prescribed in Art. XCIV and XCIX may also be convened by the assignor company itself.

ARTICLE LI. The provisions of Art. CLVI of the Commercial Code correspondingly apply to the convening of a meeting of debenture-holders.

Note: Commercial Code, Art. CLVI. Notice of a general meeting must be given to every shareholder two weeks before the day appointed for the said meeting.

The above-mentioned notice must state the object of the general meeting and the matters to be voted upon thereat.

If share-certificates to bearer have been issued by the company, a public notice of the general meeting and the matters referred to in the preceding paragraph must be given three weeks before the day appointed for the said meeting.

ARTICLE LII. A resolution of a meeting of debenture-holders is, unless otherwise determined by the trust contract, passed by an absolute majority of the votes exercised. Resolutions with respect to the matters specified in Art. LXIV, Art. LXVII, Par. 1, Arts. LXXV, LXXXV, and LXXXVI, and Art. XCVII, Par. 1, cannot be passed unless voting-powers are exercised by debenture-holders numbering at least one-half of those who hold name-certificates and those who have deposited their certificates conformably to the provisions of the second paragraph, and representing at least one-half of the entire amount of the debentures.

The provisions of Art. CLXI, Para. 2, 3, and 4, of the Commercial Code correspondingly apply to resolutions of a meeting of debenture-holders.

The debenture-holders who do not attend the meeting may, unless otherwise determined by the trust contract, exercise their voting powers by letter.

The debenture-holders possess one vote for every certificate for the minimum amount. The voting-powers, however, of debenture-holders who own not less than eleven times the minimum amount of the debentures may be restricted by the trust contract.

Note: Commercial Code, Art. CLXI. A resolution of a general meeting is passed, unless otherwise determined by the present Law or the articles of association, by an absolute majority of the votes possessed by the shareholders present.

The holders of share-certificates to bearer cannot, unless such shares are deposited with the company a week before the day appointed for the meeting, exercise their voting powers.

Shareholders may exercise their voting powers by proxy; such proxies must, however, present to the company their letters of attorney.

Persons specially interested in a resolution of a general meeting cannot exercise their voting powers thereat.

ARTICLE LIII. The party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1, or his representative may attend and address a meeting of debenture-holders or express thereat his opinion in writing.

ARTICLE LIV. Except in the case of a meeting of debenture-holders convened in connection with the matter provided for in Art. LXXXIX, Par. 2, the representative of the assignee company may attend and address a meeting of debenture-holders or express thereat his opinion in writing.

ARTICLE LV. Persons convening a meeting of debenture-holders shall give notice thereof to the parties mentioned in the preceding two articles or their representatives.

To the above-mentioned notice the provisions of Art. CLVI, Pars. 1 and 2, of the Commercial Code, correspondingly apply.

Note: For Commercial Code, Art. CLVI, see Note to Art. LI.

ARTICLE LVI. A meeting of debenture-holders or the conveners thereof may, if they deem it necessary, give notice to the assignor company and require the attendance of its representative at the meeting.

ARTICLE LVII. When the procedure for convening a meeting or the manner in which resolutions are passed thereat is contrary to the provisions of the present Law or of the trust contract, the assignor or assignee company, or any one of the debenture-holders may make application to the court to declare such resolutions invalid.

The above-mentioned application must be made within a month from the day on which such resolutions were passed.

If a debenture-holder makes the application mentioned in the first paragraph, he must deposit his certificates and, upon demand of the conveners of the meeting, give suitable security.

ARTICLE LVIII. The matters to be voted upon at a meeting of debenture-holders are, with the exception of those provided for in the present Law, limited to such as are specially prescribed in the trust contract.

ARTICLE LIX. The conveners of a meeting of debenture-holders shall draw up a record of the resolutions thereof.

ARTICLE LX. The assignee company shall keep at its head and branch offices the original or copies of the records of the resolutions of meetings of debenture-holders.

The assignee company shall allow the records of the resolutions mentioned in the preceding paragraph to be inspected at any time during business hours upon application by the assignor company and the debenture-holders.

ARTICLE LXI. If the record of the resolutions has been made by a party other than the assignee company, the original record shall be preserved by the said party and a copy thereof delivered to the assignee company.

The provisions of the second paragraph of the preceding article correspondingly apply to the above-mentioned copy.

ARTICLE LXII. The expenses of a meeting of debenture-holders shall be, except when such meeting has been convened by the assignee company the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1, borne by the conveners of the meetings.

ARTICLE LXIII. The resolutions of a meeting of debenture-holders are carried into effect by the assignee company. If, however, they are of such character as to preclude their being carried into effect by the assignee company, the meeting shall decide upon the party who shall carry them out.

ARTICLE LXIV. When there are no provisions to the contrary in the trust contract, a meeting of debenture-holders may select one or more persons as representatives and authorize them to decide upon the matters within its power.

The representatives shall be selected from among those who have taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1, or hold at least one-thousandth of the entire amount thereof.

If there are several representatives, the matters coming within their powers shall, where no provisions to the contrary have been made at the meeting, be decided by absolute majority.

ARTICLE LXV. The representatives may, in cases to which the proviso of Art. LXIII applies, themselves carry out or cause others to carry out, the matters coming within their powers.

ARTICLE LXVI. The assumption of their duties by the representatives must be published, and notice thereof must be severally given to the assignor and assignee companies, and the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1.

ARTICLE LXVII. A meeting of debenture-holders may at any time remove its representatives or make alterations in their powers.

In the above-mentioned cases, the meeting must publish the fact and give notice thereof to the assignor company and the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1.

## CHAPTER VII.

### EFFECT OF TRUST CONTRACT.

ARTICLE LXVIII. The assignee company must conduct its trust business fairly and in good faith.

ARTICLE LXIX. The assignee company is under obligation to conduct its trust business with the care of a good manager towards the assignor company and the debenture-holders.

ARTICLE LXX. The security on things under a trust contract belongs to the assignee company for the benefit of the entire debenture right specified in the trust-deed.

The assignee company is under obligation to preserve and exercise the security for the benefit of all the debenture-holders.

ARTICLE LXXI. The debenture-holders shall enjoy the benefit of the security in proportion to the amount of their debentures.

ARTICLE LXXII. The security on things under a trust contract takes effect even prior to the existence of the debentures.

ARTICLE LXXIII. The provisions of Arts. CCCXLVIII and CCCLXXV of the Civil Code and Art. CCLXXVII of the Commercial Code do not apply to the security right under a trust contract.

Note: Civil Code, Art. CCCXLVIII. The pledgee may on his own responsibility repledge the pledge within the term of duration of his own right. In that case, however, he is also responsible for any damage caused by force majeure which would not have happened but for the repledge.

Art. CCCLXXV. The mortgagee may make his mortgage security for claims upon himself or transfer or waive his mortgage or the order thereof in favour of other creditors of the same debtor.

If in the above case the mortgagee has disposed of his right in favour of several persons, the order of the rights of the persons profiting thereby follows the order in which the respective notes of such disposals were added to the registry of the mortgage.

Commercial Code, Art. CCLXXVII. The provisions of Art. CCCXLIX of the Civil Code do not apply to the pledge created for the purpose of securing a claim which has arisen out of a commercial transaction.

Civil Code, Art. CCCXLIX. The pledgor cannot, by the act of creation or by an agreement made before the obligation becomes due, undertake as fulfilment of his obligation to let the pledgee acquire ownership of the pledge or dispose of the said pledge without complying with the requirements of law.

ARTICLE LXXIV. The assignee company may by agreement with the assignor company supplement the security.

ARTICLE LXXV. The assignee company may, by agreement with the assignor company conformably to a resolution of a meeting of debenture-holders, make alterations in the security.

ARTICLE LXXVI. The agreements mentioned in the preceding two articles have the same effect as the trust contract.

ARTICLE LXXVII. The agreements mentioned in Arts. LXXIV and LXXV must be in written instruments signed by the representatives of the assignor and assignee companies, and published without delay by each of the said companies. It shall, however, be severally notified to the known debenture-holders and the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1.

To the above-mentioned deeds of agreement the provisions of Arts. XX and XXI correspondingly apply.

ARTICLE LXXVIII. The security right under a trust contract can be exercised only for the benefit of all the debenture-holders.

ARTICLE LXXIX. Where the debentures are to be paid in instalments, if the assignor company makes default in payment of any of the said instalments and two months elapse, the assignee company may, in accordance with a resolution of a meeting of debenture-holders, urge the assignor company to pay within a certain fixed term under pain, in case of failure, of forfeiting the advantage with respect to the date for the entire amount of its debentures.

In case of failure to pay within the above-mentioned term, the assignor company shall forfeit the advantage with respect to the date for the entire amount of its debentures.

The notice mentioned in the first paragraph of the present article must be given in writing.

ARTICLE LXXX. When the assignor company has forfeited the advantage with respect to the date according to the preceding article, the assignee company must without delay publish the fact. The known debenture-holders, however, and the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1, shall be severally notified.

ARTICLE LXXXI. The provisions of the preceding two articles corre-

spondingly apply when the assignor company has neglected for three months to pay the interest on the debentures.

ARTICLE LXXXII. If the debentures or interest thereon are left unpaid when they become due or the assignor company has been dissolved without completing the repayment of its debentures or payment of interest thereon the assignee company shall without delay exercise its security right for the benefit of all the debenture-holders conformably to a resolution of a meeting of debenture-holders.

The provisions of Art. CCCLIV of the Civil Code do not apply to pledges of movables under the trust contract.

ARTICLE LXXXIII. In conformity with the executory exemplification granted for the benefit of all the debenture-holders, the assignee company may, in respect of the security, effect execution, or make application or give authorization for sale by auction according to the provisions of the Auction Sale Law.

In the above-mentioned case, the objection which may be made against creditors may be brought against the assignee company.

Note: Civil Code, Art. CCCLIV. The pledgee of a movable may, when his claim thereon is not paid, apply to the court, provided a proper reason exists for so doing, to have the pledge appropriated at once for satisfying the said claim according to a valuation thereof by experts. In such case the pledgee must give the debtor previous notice of the application.

ARTICLE LXXXIV. The assignee company is empowered, unless otherwise provided for in the trust contract, to take for the benefit of the debenture-holders all necessary steps for obtaining the repayment of the debentures or payment of interest thereon.

ARTICLE LXXXV. The assignee company may, conformably to a resolution of a meeting of debenture-holders, in respect of the total debentures, extend the time for payment, release from liabilities arising from non-performance of an obligation, or effect a compromise.

ARTICLE LXXXVI. The assignee company may, conformably to a resolution of a meeting of debenture-holders, bring a lawsuit on behalf of all the debenture-holders or take all steps pertaining to procedure for bankruptcy.

ARTICLE LXXXVII. The assignee company must, when any of the acts specified in Arts. LXXXII, LXXXV, and the preceding article have been completed, publish the fact without delay. The known debenture-holders, however,

and the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1, shall be severally notified.

ARTICLE LXXXVIII. The money paid to the assignee company for the benefit of the debenture-holders must be delivered without delay to each debenture-holder in proportion to the amount of his claim.

✓ If the assignee company spends for its own benefit the money mentioned in the preceding paragraph, the provisions of Art. DCXLVII of the Civil Code shall correspondingly apply thereto.

If a debenture-holder cannot be ascertained, or if he refuses or is unable to receive the amount due to him of the money mentioned in the first paragraph, such money must be deposited for his benefit.

The assignee company may, in case of necessity, authorize the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1, to take the steps mentioned in Pars. 1 and 3.

Note: Civil Code, Art. DCXLVII. If a mandatary spends for his own benefit the money which he should deliver to the mandator or use for his profit, he must pay interest thereon from the day on which he spent it. He is also liable to pay indemnity for any further damage arising therefrom.

ARTICLE LXXXIX. In the event of the assignee company neglecting any act which it should perform for the benefit of all the debenture-holders, the competent authorities may, upon application of a meeting of debenture-holders, select a special proxy to perform the said act.

The same rule holds when necessity arises for performing acts in and out of court for the benefit of all the debenture-holders in the event of their interests clashing with those of the assignee company.

ARTICLE XC. Where acts in and out of court are performed conformably to the present law for the benefit of all the debenture-holders, the debenture-holders need not be severally designated.

ARTICLE XCI. The assignee company may demand from the assignor company a reasonable remuneration for its conduct of the trust business.

When there are no special provisions in the trust contract, the provisions of Art. DCXLVIII, Pars. 2 and 3, of the Civil Code correspondingly apply to the trust contract.

Note: Civil Code, Art. DCXLVIII, Par. 2. If the mandatary is to receive remuneration, he cannot claim it until the mandate has been performed; if,

however, the remuneration is determined in periods, the provisions of Art. DCXXIV, Par. 2, correspondingly apply.

Par. 3. If the mandate is for some cause which cannot be attributed to the mandatary terminated before it is completely performed, the mandatary may claim remuneration in proportion to what he has already performed.

ARTICLE XCII. The assignor company is under obligation to repay all expenses properly incurred by the assignee company in the conduct of the trust business and the interest thereon from the day of disbursement and to indemnify it for all damages suffered without any fault on its part.

The assignee company may demand from the assignor company the prepayment of expenses required for conducting the trust business.

The provisions of the preceding two paragraph correspondingly apply with respect to the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1.

ARTICLE XCIII. The security on things under the trust contract is also effective in respect of the claim which may be raised by the assignee company under the provisions of the first paragraph of the preceding article.

The assignee company has, in respect of the claim mentioned in the preceding paragraph, the right to receive satisfaction thereof from the security in preference to the debenture-holders.

ARTICLE XCIV. If the assignee company has purposely or by its fault caused the security on things to disappear or the value thereof to deteriorate, the competent authorities may, upon application of the assignor company or a meeting of debenture-holders, order the assignee company to deposit a reasonable amount. In such case the assignor company is deemed to have created a pledge on the said deposit.

The pledge mentioned in the preceding paragraph is deemed to be a security on things under the trust contract.

ARTICLE XCV. The assignor company, the representatives elected under Art. LXIV, Par. 1, or debenture-holders representing at least one-tenth of the entire amount of the debentures may at any time examine the state in which the security is kept by the assignee company.

Holders of debenture-certificates to bearer cannot, unless such certificates are deposited with the assignee company, take part in the above-mentioned examination.

ARTICLE XCVI. The provisions of Art. CCXCVIII, Par. 3, of the Civil Code do not apply to pledges under the trust contract.

Note: Civil Code, Art. CCXCVIII. The lienholder must keep the thing retained with the care of a good manager.

The lienholder cannot without the consent of the debtor use or lease the thing retained or dispose of it as security; this, however, does not apply to the use of the thing which is necessary for its preservation.

If the lienholder infringes the provisions of the preceding two paragraphs, the debtor may demand the extinguishment of the lien.

## CHAPTER VIII.

### SUCCESSION TO AND TERMINATION OF TRUST BUSINESS.

ARTICLE XCVII. The assignee company may, conformably to the provisions of the trust contract or with the approval of the assignor company and a meeting of debenture-holders, resign its office after deciding upon the company which shall succeed thereto.

If the company which is to succeed to the trust business is a foreign company, the provisions of Art. XVII, Par. 1 correspondingly apply thereto.

ARTICLE XCVIII. The assignee company may for unavoidable causes resign with the permission of the competent authorities.

ARTICLE XCIX. If the assignee company violates its duty or is unfit for conducting trust business, or for other proper causes, the competent authorities, may, upon application of the assignor company or a meeting of debenture-holders, remove the assignee company.

ARTICLE C. If the assignee company has resigned or been removed according to the provisions of the preceding two articles, or if its charter has been cancelled or it has dissolved, the competent authorities shall select afresh an assignee company and cause it to succeed to the trust business.

ARTICLE CI. The succession to trust business under Art. XCVII takes effect when the contract is drawn up and signed by the representatives of the assignor company and the former and new assignee companies.

The conclusion of the above-mentioned contract shall without delay be reported in writing to the competent authorities by each of these companies.

The succession under the preceding article takes effect when the competent authorities deliver the order of appointment to the new assignee company.

ARTICLE CII. The succession of the assignee company must without delay be published severally by the assignor company and the former and new assignee

companies in the case mentioned in Art. XCVII, and by the assignor company and the new assignee company in the case mentioned in Art. C. The known debenture-holders, however, and the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1, shall be severally notified of the fact.

ARTICLE CIII. The new assignee company decided upon under Art. XCVII or selected under Art. C shall conduct the trust business in conformity with the articles concluded by its predecessor.

The rights and obligations appertaining to the former assignee company for the benefit of the debenture-holders or the assignor company are transferred to the new assignee company from the time of the resignation, removal, cancellation of the charter or dissolution of the former company. This rule, however, does not apply to liabilities arising from any breach of the contract or unlawful act on the part of the former assignee company.

ARTICLE CIV. If a person has with notice gained possession of a pledge by reason of illegal management on the part of the former assignee company, the new assignee company is deemed to have been dispossessed of the pledge by the said person.

ARTICLE CV. The directors or managing partners of the former assignee company, or its liquidator or administrator in bankruptcy shall without delay make over to the new assignee company the things preserved for the benefit of the assignor company or the debenture-holders and the documents relating to the trust business, and take all other necessary steps for transferring the trust business to the new company.

The completion of the transfer mentioned in the preceding paragraph shall be reported in writing to the competent authorities jointly by both parties.

The above-mentioned report shall be accompanied by an inventory of the things handed over.

ARTICLE CVI. Business connected with the succession is under the control of the competent authorities.

The provisions of Art. XVI, Par. 2 correspondingly apply to the control mentioned in the preceding paragraph.

ARTICLE CVII. The assignee company shall, upon termination of its trust business, draw up and publish a general account in respect thereof.

## CHAPTER IX.

### PENALTIES.

ARTICLE CVIII. Any person engaging in trust business connected with secured debentures in violation of the provisions of Art. V shall be liable to a fine of from ten to a thousand yen.

ARTICLE CIX. Managing partners or directors, liquidators, administrators in bankruptcy, special proxies mentioned in Art. LXXXIX, and representatives of foreign companies shall be liable to a fine of from ten to a thousand yen in the following cases:—

1. For infringing the provisions of Art. VI;
2. For infringing the provisions of Art. VIII;
3. For disobeying the orders of the competent authorities given in accordance with the present law;
4. For obstructing an examination by the competent authorities made in accordance with the present law;
5. For infringing the provisions of Art. XVII, Par. 1 or Art. XCVII, Par. 2;
6. For failing to inscribe on debenture-certificates the particulars prescribed in the present law or for making a false inscription thereon;
7. In the case of the issue of debenture-certificates by the assignor company, for issuing them without the formalities prescribed in Art. XXXVI;
8. For neglecting to preserve or exercise the security under Art. LXX, Par. 2;
9. For infringing the provisions of Par. 1 or 3 of Art. LXXXVIII;
10. For obstructing the examination prescribed in Art. XCV, Par. 1;
11. For neglecting to transfer business as prescribed in Art. CV, Par. 1;
12. In the case where the resolution of a meeting of debenture-holders should be acted upon, for failing to act thereupon, or for acting contrary thereto;
13. For making a false report to, or concealing the facts from, a meeting of debenture-holders or the representatives thereof.

ARTICLE CX. Managing partners, directors, liquidators, administrators in bankruptcy, the party who has taken up the entire amount of the debentures conformably to Art. XXIX, Par. 1, the representatives mentioned in Art. LXIV, special

proxies mentioned in Art. LXXXIX, or representatives of foreign companies shall be liable to a fine of from five yen to five hundred yen in the following cases:—

1. For neglecting to report, publish, or notify as prescribed in the present law, or for making false publications or notifications;
2. For failing to deliver documents as prescribed in the present law, or for making a false inscription thereon;
3. For withholding from inspection without sufficient reason the documents, the inspection of which should be permitted according to the present law;
4. For failing to keep documents which should be kept, or to inscribe thereon matters which should be inscribed, according to the present law, or for making a false inscription thereon.

ARTICLE CXI. The provisions of Arts. CCVI, CCVII, and CCVIII of the Law of Procedure in Non-contentious Cases correspondingly apply to the fines prescribed in the present chapter.

Note: Law of Procedure in Non-contentious Cases, Art. CCVI. The matters prescribed in Arts. LXXXIV and MCVII of the Civil Code, Art. XXII of the Law for putting into effect the Civil Code, Art. XVIII, Par. 2, Arts. CCLXI, CCLXII, and DXXXVI of the Commercial Code, and Art. XI, Par. 2, Art. XXVII, Art. XXXIX, Par. 2, Art. LIV, Art. LX, Par. 2, Art. LXIX, Art. LXXV, Par. 3, Art. LXXXVII, and Art. XCV, Par. 3 of the Law for putting into effect the Commercial Code, are under the jurisdiction of the local court of the place of residence of the person upon whom the fine is imposed.

Art. CCVII. A judgment imposing a fine is given by a rule to which a statement of the grounds therefor is annexed.

The court shall, before giving judgment, hear the depositions of the party concerned and seek the opinion thereon of the procurator.

The party concerned and the procurator may instantly make a complaint against a judgment imposing a fine. Such complaint works a stay of execution.

The costs of procedure are, when a sentence inflicting a fine is pronounced, borne by the person so sentenced; in other cases they are borne by the national treasury.

If the court of complaint gives judgment confirming the application of the party, the costs of the procedure for the complaint and the expenses which the party was required to bear in the former instance shall be borne by the national treasury.

Art. CCVIII. The judgment imposing a fine is put in execution by the procurator's order. Such order has the same effect as an executory claim for debt.

The execution of a judgment imposing a fine is made in conformity with the provisions of the Sixth Book of the Law of Civil Procedure. In this case, however, the service of the court is not necessary before the execution takes place.

## SUPPLEMENTARY RULES.

ARTICLE CXII. In cases where signature is prescribed in the present Law, such signature may be replaced by the affixing of the seal to the name.

ARTICLE CXIII. An application for the registration of the establishment of an ordinary or limited partnership for the purpose of carrying on trust business connected with secured debentures, must be accompanied, in addition to the documents prescribed in Art. CLXXIX, Par. 2, of the Law of Procedure in Non-contentious Cases, by the charter issued by the competent authorities or a copy thereof authenticated by the said authorities.

The same rule holds when an already-established company obtains a charter for engaging in trust business connected with secured debentures and applies for the registration thereof.

Note: Law of Procedure in Non-contentious Cases, Art. CLXXIX, Par. 2.

The application must be accompanied by the articles of association, and if there is among the partners a minor or a married woman, by a document certifying the assent of those whose approval is required for the admission of such person into the partnership.

ARTICLE CXIV. With respect to matters to be registered by a trust company for which a charter from the competent authorities is required, the term for registration shall be reckoned from the day on which the charter is received.

ARTICLE CXV. When the competent authorities have ordered the suspension of business or cancelled the charter in accordance with the provisions of Art. XI or XII, the registry office shall, at the request of the said authorities, register the fact.

ARTICLE CXVI. The application for the registration of debentures conformably to the present law must be accompanied by the trust-deed, in addition to the documents prescribed in Art. CXCI of the Law of Procedure in Non-contentious Cases.

Note: Law of Procedure in Non-contentious Cases, Art. CXCI. The application for the registration of debentures must be accompanied by the following documents:—

1. The last balance-sheet;
2. A document certifying the publication of the invitation to subscribe for the debentures;
3. A document certifying the payment in full of each debenture;
4. The debenture-list;
5. The record of the resolutions of the meeting of shareholders relative to the invitation to subscribe for the debentures.

ARTICLE CXVII. If any alteration takes place in the items of registration of the debentures conformably to the present law, the directors or managing partners of the assignor company shall without delay apply for the registration of such alteration.

The above-mentioned application for registration must be accompanied by documents certifying the said alteration.

ARTICLE CXVIII. In the registration of the creation of a security right under the trust contract, the assignee company is deemed to be the party entitled to the registration.

ARTICLE CXIX. If an application is to be made for the registration of the creation of a security right under the trust contract, it will be sufficient as respects the statement of the amount of claim required by the provision of Art. CXVI or CXVII of the Law for the Registration of Immovable Property, to designate the entire amount of the debentures.

Note: Law for the Registration of Immovable Property, Art. CXVI. The application for the registration of the creation of a pledge or of a repledge must state the amount of claim; and if there is in the cause of the registration any stipulation regarding the term of duration or maturity, the interest, or the forfeit for non-performance or amount of indemnity, any condition attached to the claim, the stipulation given in the proviso of Art. CCCXLVI of the Civil Code, any stipulation different from the provisions of Art. CCCLVI or CCCLVII of the same code, or the stipulation made in the proviso of Art. CCCLXX, such fact or facts must also be stated.

Art. CXVII. The application for the registration of the creation of a mortgage must state the amount of claim; and if there is in the cause of the registration any stipulation regarding the time of repayment, the interest, or the time of its commencement or payment, any condition attached to the claim, or the stipulation made in the proviso of Art. CCCLXX of the Civil Code, such fact or facts must also be stated.

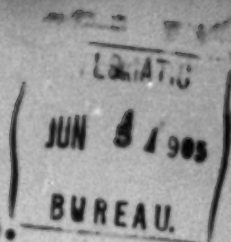
ARTICLE CXX. The date on which the present law will be put into operation shall be determined by Imperial Ordinance.

RC.

UNITED STATES LEGATION,  
TOKIO.

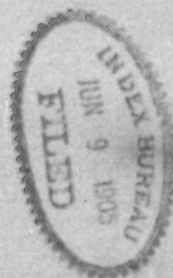
No. 249.

May 2, 1905.



*Amist  
June 8, 1905  
John J. S.*

MR. GRISCOM TO MR. HAY.



SUBJECT: Mr. M. M. Trepionok's case in the Japanese courts--  
Enclosing copy of an abusive letter addressed by  
him to Mr. Griscom.

CHIEF CLERK,  
MAY 31 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 249.

May 2, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to my No. 118, of September 29th, 1904,  
I have the honor to transmit herewith a copy of a letter  
received from Marx M. Trepinok, a naturalized American  
citizen, who claims that he is denied justice in the Jap-  
anese Courts and seeks the intervention of this Legation.

The enclosed letter will possibly give the De-  
partment a clearer idea of the character of this complain-  
ant.

I have the honor to be,

Sir,

Your obedient servant

*Lloyd Griscom.*

ENCLOSURE:

Marx M. Trepinok to Mr. Griscom, March 13, 1905.

Enclosure with Mr. Griscom's No. 249, of May 2, 1905.

C O P Y .

Lloyd C. Griscom,  
American Minister,  
Tokio, Japan.

Sir:

I have just received your telegraphic answer to the Department of State of September 29th, 1904, referring to my rambling in the temples of Japanese exampled justice. I assure you that I have read it with exceptional interest. I admire very much your promptness, gallantry, courage and faithfulness in guarding a blockade over Japanese Court rascality and corruption. I am sure that your noble conduct in sacrificing the interests of unlucky Americans who fall victims into the hands of Japanese most corrupted Courts will not be forgotten. But you must always carry in your mind that I am American, although naturalized, under protection of "Stars and Stripes", and to be an honest American it is not necessary to be a "liar".

Pardon me, Sir, if my language is a little too strong for you, it is because in your intercourse you have given me the right to use it. Up to that moment I have looked upon you quite differently, and in my complaint to Department of State I left a space open for you to fill it in, and you have shown your color. Your report is spoken like yourself.

For the benefit of justice (not your Japanese justice of course) I must remind you of your own words which you have spoken to me on the 6th of July, 1904, at 1.30 P. M. in your office in the presence of your celebrated legal adviser Mr. Seidmore. This is what you have said:

"Now Mr. Seidmore, did you get down this case?"

"Yes Sir, I think I have got it down to a nut shell.

Mr.

Mr. Trepinek -----

"Well I believe that Mr. Trepinek has exhausted every means to secure his legal rights, but we could not do for him anything".

This is all that you have said in a sneering way. Now compare your answer to Department of State with your original statement and see how far they are apart.

Sir, in my life I have met many unprincipaled men but you have taken the shine out of them. And I will live in hope that the day may come when I will be able to repeat this into your face, at present you may dance on my grave. You know well that this step cost me already over a thousand dollars, but forget not that the game is not over yet.

Signed: Marx M. Trepinek,

March 13th, 1905.

TELEGRAM RECEIVED.

1 CB.WG.KQ. 16 U.S.G.

From  
(Received 3:11 a.m., May 6, 1905.)

Tokio,

SECSTATE,  
Washington.

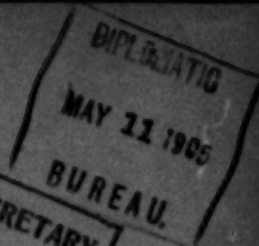
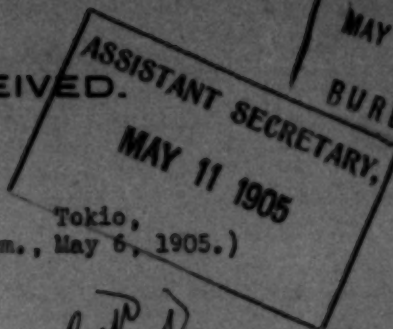
Sixth. King reports four Russian ships sank Japanese schooner off

Suttsu afternoon fifth.

Griscom.



DEPARTMENT OF STATE  
MAY 6 9 15 AM 1905  
CHIEF CLERK'S OFFICE



*6/11/31 J. H. G.*

No. 250.

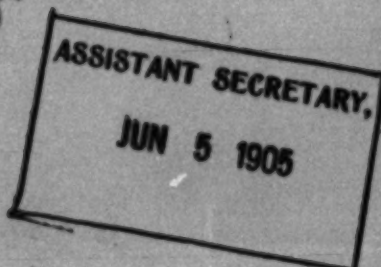
UNITED STATES LEGATION,  
TOKIO.

May 8, 1905.



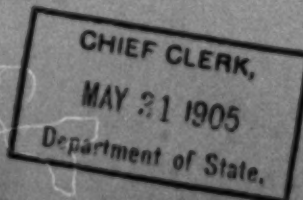
*ack'd  
to Pmly. & Col  
June 8, 1905  
E*

*John A. Hay*



Mr. Griscom to Mr. Hay.

SUBJECT:-Transmits translation of Agreement between Govern-  
ments of Japan and Korea transferring control of  
Korean Postal, Telegraphic and Railway systems to  
Japan.



UNITED STATES LEGATION,  
TOKIO.

No. 250

May 8, 1905.

The Honorable John Hay,  
Secretary of State,  
Washington.

Sir:-

I have the honor to transmit herewith an official translation of the Agreement between the Governments of Japan and Korea, signed April 1, 1905, and published in the Official Gazette April 28, 1905, whereby the Postal, Telegraphic and Railway systems of Korea are transferred to the control of the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

*Logan S. Sisco.*

ENCLOSURE:-

Translation of Agreement, as above.

Enclosure with Mr. Griscom's No. 250 of May 8, 1905.

C O P Y .

Agreement.

The Imperial Governments of Japan and Korea, finding it expedient from the standpoint of the administration and finances of Korea, to rearrange the system of communications in that country, and by amalgamating it with that of Japan, to unite the two systems into one common to the two countries, and, having seen the necessity with that object in view, of transferring the post, telegraph and telephone services of Korea to the control of the Japanese Government, Hayashi Gonsuke, Envoy Extraordinary and Minister Plenipotentiary of Japan, and I-hayeng, Minister of State for Foreign Affairs of Korea, each invested with proper authority, have agreed upon and concluded the following Articles:-

Article I. The Imperial Government of Korea shall transfer and assign the control and administration of the post, telegraph and telephone services in Korea (except the telephone service exclusively pertaining to the Department of the Imperial Household) to the Imperial Japanese Government.

Article II. The land, buildings, furniture, instruments, machines and all other appliances connected with the system of communications already established by the Imperial Government of Korea, shall, by virtue of the present Agreement, be transferred to the control of the Imperial Japanese Government.

The authorities of the two countries acting together shall make an inventory of the land, buildings and all other requisites mentioned in the preceding paragraph which shall serve as evidence in the future.

Article III.

Article III. When it is deemed necessary by the Japanese Government to extend the communication system in Korea, they may appropriate land and buildings belonging to the State or to private persons; the former without compensation and the latter with proper indemnification.

Article IV. In respect of the control of the communication service and the custody of the properties in connection therewith, the Japanese Government assume, on their own account, the responsibility of good administration.

The expenses required for the extension of the communication services shall also be borne by the Imperial Government of Japan.

The Imperial Government of Japan shall officially notify the Imperial Government of Korea of the financial condition of the system of communications under their control.

Article V. All appliances and materials which are deemed necessary by the Imperial Government of Japan for the control or extension of the system of communication shall be exempt from all duties and imposts.

Article VI. The Imperial Government of Korea shall be at liberty to maintain the present Board of Communication so far as such retention does not interfere with the control and extension of the services by the Japanese Government.

The Japanese Government, in controlling and extending the services, shall engage as many Korean officials and employees as possible.

Article VII. In respect of the arrangements formerly entered into by the Korean Government with the Governments of foreign Powers concerning the post, telegraph and telephone services, the Japanese Government shall in behalf of Korea exercise the rights and perform the obligations pertaining thereto.

Should there arise in the future any necessity for

concluding any new convention between the Government of Korea and the Governments of foreign Powers concerning the communication services, the Japanese Government shall assume the responsibility of concluding such convention in behalf of the Korean Government.

Article VIII. The various conventions and agreements respecting the communication services hitherto existing between the Governments of Japan and Korea are naturally <sup>1</sup>abolished or modified by the present Agreement.

Article IX. When in future as the result of the general development of the communication system in Korea, there is some adequate profit over and above expenditures defrayed by the Japanese Government for the control and maintenance of the old services and for their extensions and improvements, the Japanese Government shall deliver to the Korean Government a suitable percentage of such profit.

Article X. When in the future an ample surplus exists in the finance of the Korean Government, the control of their communication services may be returned, as the result of the consultation of the two Governments, to the Government of Korea.

No. 251.

UNITED STATES LEGATION,  
TOKIO.

May 10, 1905.

JUN 7 1905

BUREAU.



Mr. Griscom to Mr. Hay.

*File by's*  
*and*  
*June 7*

SUBJECT:-Supplemental Extradition Treaty.

Definition of Bribery impracticable under present  
condition of Japanese law.

Reply to Instruction No. 118, of April 5, 1905.



No. 251.

UNITED STATES LEGATION,  
TOKIO.

May 10, 1905.



Mr. Griscom to Mr. Hay.

*File by  
Ans.  
June 7*

SUBJECT:-Supplemental Extradition Treaty.

Definition of Bribery impracticable under present  
condition of Japanese law.

Reply to Instruction No. 118, of April 5, 1905.



UNITED STATES LEGATION,  
TOKIO.

No. 251

May 10, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

Sir:-

I have the honor to acknowledge the receipt of the Department's Instruction No. 118, of April 5, 1905, wherein I am advised that it would not be practicable to include bribery in the list of extraditable crimes in the proposed supplemental extradition treaty with Japan, without giving a definition of that crime, for the reason that it might frequently happen that an act constituting bribery in the country requesting extradition would not be bribery in the country of asylum, surrender in such cases being precluded by the provision in Article V of the existing treaty that "the fugitive shall be surrendered only on such evidence of criminality as according to the laws of the place where he shall be found, would justify his apprehension and commitment for trial, if the crime had been there committed."

Furthermore, you instruct me to ascertain and inform the Department of the definition of bribery in the Japanese Code.

In reply I have the honor to state that, aside from Articles 225, 234, 284, 285, and 286, of the Japanese Criminal Code, which will be found translated in Enclosure No. 2, of my despatch No. 86, of June 14, 1904, no code definition of this crime is given.

It will be noted that, except under Article 225, covering subornation, the code penalties do not apply to the offering or giving of bribes.

The offering or giving of bribes to voters or canvassers at elections, or to a representative, member, or committee, or deputy, duly elected, is made a crime, independent of the Criminal Code, by special laws, namely, Article 87, of Law No. 73, of May, 1900, and Article 1, of Law No. 37, of April, 1901.

I have made earnest effort to arrange with the Japanese Foreign Office a definition of this crime that may be satisfactory to both governments, but I am today informed by the Chief of Bureau in charge of extradition matters that, after careful study, it is found impossible to frame such definition so as to conform to the existing laws of both the United States and Japan. At the same time it was made evident that the Japanese officials do not anticipate that any inconvenience would be likely to arise from the absence of a definition.

I am also informed that the above-mentioned defects in the Japanese law are to be remedied in the draft of the new Criminal Code which will be submitted to the next session of Parliament.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

BRIBERY, UNDER JAPANESE CRIMINAL CODE.

Article 225. Any one who shall use a bribe or like means in order to induce a man to bear false witness or render a false decision, or make a false translation, shall be tried by the law against false testimony.

Article 234. Any one who shall give or receive a bribe to vote shall be punished with light confinement for from two months to two years and a fine of from 3 to 30 yen.

Article 284. Every public functionary who shall have received bribes, which were given or offered him with the object of bribery, shall be punished with imprisonment with labor for a period of from one month to one year and a fine of from 4 to 40 yen. The penalty shall be augmented one degree, if, by reason of the aforesaid bribery, the functionary has committed any irregular or illegal act.

Article 285. Every judge in a civil case who shall have received bribes shall be punished with imprisonment with labor for a period of from two months to two years and a fine of from 5 to 50 yen. The penalty shall be augmented one degree if the decision is illegal.

Article 286. Every judge, officer of the public administration, or officer of police, who, in a penal case, shall have received bribes, shall be punished with imprisonment with labor for a period of from two months to two years and a fine of from 5 to 50 yen. The imprisonment shall be during a period of from three months to three years and a fine of from 10 to 100 yen, if the decision is illegal and favorable to the accused. If the decision is illegal and unfavorable to the accused, the imprisonment shall be for a period of from two to five years and a fine of from 20 to 200 yen. However, if the penalties pronounced against the prisoner are more severe, Articles 221 and 222 shall be applicable to the judge or officer guilty of corruption.

(Articles 221 and 222 provide various penalties, ranging

from small fine to death).

Note: Article 87 of the Law of Election of Members of the House of Representatives provides minor imprisonment, without labor, of not less than one year, or a fine of not less than 10 and not more than 100 yen, for giving or promising bribes to voters or canvassers at elections.

*Me*

UNITED STATES LEGATION,  
TOKIO.

No. 252.

May 10, 1905.



Mr. Griscom to Mr. Hay.

Subject:--Japanese schooner sunk by Russian ships off Ho-  
kaido,-confirming telegram.



UNITED STATES LEGATION,  
TOKIO.

No. 252.

May 10, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to confirm the following telegram,  
dispatched to you the 6th instant:

"Sixth. King reports four Russian ships sank  
"Japanese schooner off Buttsu afternoon fifth."

Reports from the local authorities in Hokkaido, confirming this news, lead to the belief that the Russian ships were torpedo boats out from Vladivostock.

The Japanese schooner was a small vessel of about two hundred tons.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

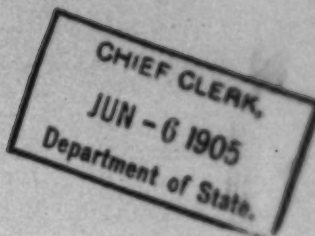
UNITED STATES LEGATION,  
TOKIO.

No. 253.

May 10, 1905.



Mr. Griscom to Mr. Hay.



Subject:--Japanese activity in Formosa.



UNITED STATES LEGATION,  
TOKIO.

No. 253.

May 10, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to inform you that the following telegram, in cipher, was received from the American Consul at Daitotei, Formosa, on the 8th instant:

"Daitotei, May 7, 1905.

"American Minister, Tokio.

"Reported large numbers of Japanese passing over to  
"Amoy disguised as Chinese. Continual communication kept  
"up with that port by vessel fitted with wireless tele-  
"graph. Attempt made during boxer trouble to seize that  
"port.

"Fisher."

The above was not though of sufficient importance to repeat by telegraph to the Department.

I have the honor to be,

Sir,

Your obedient servant,

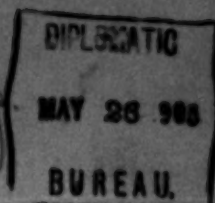
*Lloyd M. Sisco.*

TELEGRAM RECEIVED IN CIPHER.

From TOKIO,

Received May 11, 1905,

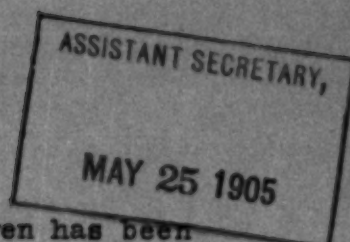
6:17 p. m.



Secretary of State,

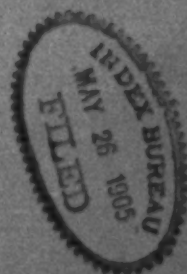
Washington.

May 11, 8 p. m.



Tea subsidy thirty-five thousand yen has been granted. I have today made representations to the Minister for Foreign Affairs. He declines to interfere unless presented with proof that subsidy is wrongfully expended. I have been unable to obtain such proof. I asked for public accounting of expenditure, but request was refused with the statement that the Japanese Government is satisfied that the subsidy is properly expended. The British Minister has protested and received similar reply.

G R I S C O M.



C.C.'s Office, May 12, 1905. 9:40 a. m.

TELEGRAM RECEIVED IN CIPHER.

RECEIVED

MAY 26 1905

BUREAU

From Tokio,

May 13, 1905.

Received 7.13 A. M.

*Handwritten signature/initials*

ASSISTANT SECRETARY,

MAY 25 1905

Secretary of State,  
Washington.

May 13, 12 Noon.

Officially announced Formosa placed under martial law.

G R I S C O M



Deciphered by the Chief Clerk's Office,

9.42 A. M.

*Mr. May*  
UNITED STATES LEGATION,  
TOKIO.



No. 254.

May 15, 1905.



Mr. Griscom to Mr. Hay.

*rec'd, bu. Accts.*

Subject:- Requesting renewal of subscriptions to newspapers .



UNITED STATES LEGATION,  
TOKIO.

No. 254.

May 15, 1905.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to request that the subscriptions  
the New York Tribune and the San Francisco Chronicle for  
the use of this Legation be renewed for the ensuing fiscal  
year.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

*Re*

UNITED STATES LEGATION,  
TOKIO.

No. 255.

May 15, 1905.



Mr. Griscom to Mr. Hay.

SUBJECT:-Formosa placed under Martial Law.

Confirms telegram of May 13, 1905.



UNITED STATES LEGATION,  
TOKIO.

No.255.

May 15, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:-

I have the honor to confirm my telegram of the  
13th instant, which, deciphered, reads as follows:

"Secstate, Washington.

"May 13, 12, Noon. Officially announced Formosa  
"placed under martial law.

"Griscom."

This telegram was based upon an Imperial Ordinance  
of the 12th instant, published in the Official Gazette of  
the 13th instant.

I have the honor to be,

Sir,

Your obedient servant,

*L. J. Griscom.*

CC  
UNITED STATES LEGATION,  
TOKIO.

No. 256.

May 15, 1905.



Mr. Griseom to Mr. Hay.

*To War and Asia.  
June 12 05.  
Fried*

Subject:--Japanese conscription law further extended.

UNITED STATES LEGATION,  
TOKIO.

No. 256.

May 15, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

Referring to my dispatch No. 121 of October 12, 1904, in regard to changes in the Japanese conscription laws, I have the honor to report that further expansion has been effected by an Imperial Ordinance published in the Official Gazette of the 21st ultimo.

This Ordinance authorizes the Minister for War to call back into the reserves men up to the age of forty, and further to draw, if necessary, upon the remainder of the male population between the ages of seventeen and forty, who form the ultimate national army.

It is estimated that this will place at the disposition of the War Ministry some 35,000 trained troops and an almost unlimited supply of recruits potentially available.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd C. Ruscom.*

UNITED STATES LEGATION,  
TOKIO.



No. 257.

May 15, 1905.



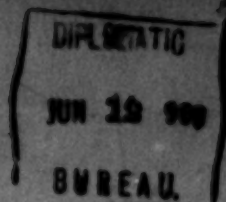
*ack'd  
June 15, 1905  
file*

Mr. Griscom to Mr. Hay.

FOR RELS, 1905.

Subject:--Tea subsidy,-confirming telegrams.

UNITED STATES LEGATION,  
TOKIO.



No. 257.

May 15, 1905.



*ack'd  
June 13, 1905  
file*

Mr. Grissom to Mr. Hay.

FOR RELS, 1905.

Subject:--Tea subsidy,-confirming telegrams.

UNITED STATES LEGATION,  
TOKIO.

No. 257.

May 15, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to acknowledge the receipt on May 11th of the Department's telegram, (which, deciphered, reads as follows:

"Amlegation, Tokio.

"Referring your dispatch thirty-two dated  
"December thirty nineteen three, New York Tea Associa-  
"tion complains bill passed granting an allowance  
"subsidy seventy thousand yen for seven years. If so,  
"renew earnest representations."

"Loomis".

Immediately upon the receipt of the above message I called upon the Minister for Foreign Affairs and made representations to him along the lines set forth in my No. 32, of December 30th, 1903. I stated to him that the fact that the Japanese Government instead of expending the subsidy through its own responsible agents, handed it over to a private association of tea firms whose membership was exclusively Japanese, would seem on the face of it to constitute a bounty. I added that there is no public accounting of the expenditure of this money and foreign firms, being denied membership in the guild, are unable to participate in or have any knowledge of the expenditure. Under the circumstances I stated that the Government of the United States asks that either the subsidy be differ-

ently

ently administered or else a public and detailed account of the expenditures be published, so as at once to put an end to any suspicion which may exist in the minds of the foreign tea merchants that the Japanese Government is granting a bounty.

Baron Komura replied that a subsidy of thirty-five thousand yen a year had been granted for the purpose of improving the whole tea trade of Japan, and particularly to help Japanese tea to meet the competition with Ceylon tea in the United States and Canada. The subsidy, he stated, was expended by the tea guild under the supervision of the Imperial Department of Agriculture and Commerce and the Japanese Government were entirely satisfied that the money was properly expended for the general and beneficent purpose for which it was appropriated. He said they were unwilling to make a public accounting of the method of expenditure. Being satisfied with the present method of expenditure the Japanese Government saw no reason to alter the arrangements unless I could produce conclusive proof that the money was, as alleged, improperly expended for the benefit of individual Japanese tea firms.

I pressed the matter as earnestly as possible and suggested that under the present arrangement the subsidy to all intents and purposes constituted a bounty and that the burden of proof was on the Japanese Government to show that it did not. Baron Komura remained firm in his position and replied by simply asking me for proof that the subsidy was improperly expended.

The same day I learned that the British Minister had a day or two previously made similar representations

and

and received a similar reply. (Under the circumstances  
I therefore telegraphed you as follows:

"Secstate, Washington.

"May 11, 8 P.M. Tea subsidy thirty-five  
"thousand yen has been granted. I have to-day made  
"representations to the Minister for Foreign Affairs.  
"He declines to interfere unless presented with proof  
"that subsidy is wrongfully expended. I have been  
"unable to obtain such proof. I asked for public  
"accounting of expenditure but the request was re-  
"fused with the statement that the Japanese Government  
"is satisfied that the subsidy is properly expended.  
"The British Minister has protested and received  
"similar reply."

*Chief*

"Griscom".

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom.*

cc  
UNITED STATES LEGATION,  
TOKIO.

DIPL. STATION

JUN 23 1905

BUREAU

No. 258.

May 15, 1905.



*Rec'd  
to Treasury  
June 13, 1905  
Free  
GP*

Mr. Griscom to Mr. Hay.

Subject: The Fifth Domestic Loan.

UNITED STATES LEGATION,  
TOKIO.

No. 258.

May 15, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to report that a fifth domestic loan, amounting to Yen 100,000,000, was floated between the 1st and the 5th instant. The subscriptions totalled Yen 490,666,225, of which Yen 28,880,250 was subscribed for at above the issue price.

The total amount subscribed for the fourth domestic loan referred to in the Legation's despatch No. 217 of March 16, 1905, was Yen 480,000,000. Of the amount issued (Yen 100,000,000) about one half was taken by foreign firms or by Japanese firms acting on behalf of foreigners. It is stated on good authority that there were no foreign subscriptions to the fifth loan.

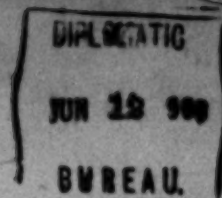
I have the honor to be,

Sir,

Your obedient servant,

*L. J. A. S. S. S.*

UNITED STATES LEGATION,  
TOKIO.



No. 259.

May 16, 1905.



*ack'd  
v to cat  
June 13, 1905  
2 Jux fjo*

*Also again,  
Jan. 23  
H. J.*

Mr. Griscom to Mr. Hay.

Subject:-- Regulations relating to the export of fancy  
matting.



UNITED STATES LEGATION,  
TOKIO.

No. 259.

May 16, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to inform you that in the Official Gazette of yesterday regulations were promulgated prohibiting the export of fancy matting except that which has passed the examination of the Matting Conditioning House. The ordinance is not to be enforced on matting for which the Minister of Agriculture and Commerce has given his certificate.

This measure has been taken with a view to secure the uniform good quality of matting sent to foreign countries.

I have the honor to be,

Sir,

Your obedient servant,

*L. J. H. H. H.*

RC.  
UNITED STATES LEGATION,  
TOKIO.

*File*

No. 260.

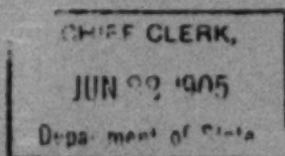
May 16, 1905.



Mr. Griscom to Mr. Hay.



Subject:- Comments of Kobe Chronicle of May 11 on the  
telegram to the Department of date February 6,  
1904.



UNITED STATES LEGATION,  
TOKIO.

No. 260.

May 16, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

Referring to the Legation's No. 242 of the 22nd ultimo in relation to an alleged paraphrase of a telegram from me to the Department dated February 6, 1904, I have the honor to send herewith enclosed two copies of an article published on the 11th instant in the Kobe Chronicle, one of the leading English newspapers published in Japan.

I have the honor to be,

Sir,

Your obedient servant,

*Lopachisau.*

Enclosure:-- Clipping in duplicate from the Kobe Chronicle  
of May 11, 1905.

Enclosure with Mr. Griscom No. 260 of May 16  
1905

## The Japan Chronicle.

Kobe Office: 7 Sakaya-Machi, 1-Chome,  
(Telephone No. 1779.)

London Office: 25 Gray's Inn Road,  
Clerkenwell Road, E.C.

THURSDAY, MAY 11TH, 1905.

### A GLIMPSE INTO RECENT HISTORY.

IT will be remembered that when the initial attack was made by Japanese ships upon the Russians at Port Arthur, some discussion took place as to the legality of Japan's action in taking such a step before a declaration of war had been duly promulgated. The discussion, however, showed that Japan was fully justified by precedent in making a hostile attack on the forces and dominions of her enemy immediately she had broken off diplomatic relations, and that it did not need a declaration of war to legalise her action, if that phrase can be used in reference to the body of precedents which are denominated international law. It will be seen, however, from the summarised correspondence which has been published in Washington by the American State Department that the question as to Japan's justification in this matter is likely again to be the subject of discussion, though in a somewhat different relation. According to this correspondence Mr. GRISCOM, the American Minister to Tokyo, referring to the two Powers which were shortly to be ranked as belligerents, reported to the State Department on February 6th last year "that a declaration of war would not be made until after the withdrawal of their legations, which will probably take two or three days, and hostilities will not begin until after the declaration of war." This assurance Mr. GRISCOM states that he had from the Japanese Minister for Foreign Affairs. In considering this surprising statement—surprising in the light of what followed—it must be remembered that the actual language of the message quoted may not be that used by Mr. GRISCOM, as it simply purports to be an "official paraphrase" of a cablegram from the American Minister, presumably in cipher. Much clearly depends on this fact, and the wording of the paraphrase would anyway seem to be a trifle loose, for it will be seen

that Mr. GRISCOM is represented as stating what both the Russian and the Japanese Governments intended to do in the matter of declaration preceding hostilities, and of making this statement on the authority of the Japanese Minister for Foreign Affairs, who was only in a position to state what would be done in Tokyo. He might, of course, speculate on the instructions likely to be given at St. Petersburg as soon as the legations had been withdrawn, but he could not be regarded as making a definite statement. Assuming, however, that the paraphrase accurately represents the cablegram from the American Legation in Tokyo, it may be, of course, that Mr. GRISCOM misunderstood the drift of the conversation he had with Baron KOMURA, and merely gathered that it was probable hostilities would not be opened until a declaration of war had been made by Japan, for it is incredible that the Japanese Minister for Foreign Affairs would deliberately deceive the Minister of one of the Powers, and that Power one with which the Japanese Government especially desired to remain on friendly terms. Baron KOMURA was, doubtless, not likely to announce beforehand, even to the representative of a most friendly State, what was expected to happen at Port Arthur within a few hours of the formal breach of relations, for such information might possibly leak out even through cipher messages transmitted across the Pacific, and that would have meant the ruin of the enterprise in which Admiral Togo was engaged. But he was just as unlikely to make a statement to the American Minister which a day or two would assuredly discredit.

The explanation may lie either in the brevity of the summary, in misinterpretation of the original message, or in a misunderstanding by Mr. GRISCOM of remarks made by Baron KOMURA. There is a theory, however, which has hitherto been regarded as too little supported by evidence to be worth serious consideration, which is likely to be revived by the statements in the correspondence now made public. This theory is that at the time relations were broken off with Russia and the respective legations of the two countries withdrawn, the Japanese Government had no intention of opening hostilities immediately.

According to this view Admiral Togo was sent to Port Arthur only to make a survey of the position there, and, if necessary, to use his force to prevent any attempt by the Russians to molest the transports which were dispatched from Japan to Korea as soon as relations between the two Powers had been broken off. But Admiral Togo, scouting near Port Arthur, found the vessels of the enemy lying outside the port instead of inside, as he had expected, and he took advantage of the opportunity to make the famous attack upon them. The result was that the first shot was fired some twenty-four hours before the declaration of war, which was not made until after the news of the affair at Port Arthur had reached Tokyo. If this view of what happened in those eventful days is correct, it would afford a full explanation of the assurance that the Japanese Foreign Minister is stated to have given to the American Minister, that hostilities would not begin until after the declaration of war. That is to say, it was the intention of the Japanese Government that a declaration of war should precede hostilities, but the intention was frustrated by the fact that Admiral Togo exceeded his instructions on finding the Russians to afford such an admirable opportunity for attack. In taking advantage of that opportunity the Admiral was fully justified by international precedent, seeing that diplomatic relations had been broken off, but it is quite possible that the Japanese Government did not anticipate that it would be found necessary to strike so quickly; no one, in fact, could have believed the Russians would be so unprepared.

All this is, of course, the merest surmise, but, assuming that no other explanation is possible of the statements in the correspondence which the American Government now publishes, there now appears more plausibility about this theory than it formerly possessed, for it would have been strictly in accordance with the attitude Japan had taken up during the course of the negotiations that she should have shown the most scrupulous care to give no cause for charges such as were afterwards made by Russia as to being treacherously taken by surprise. From an historical point of view the matter has considerable interest, but it will probably be some years before we are in a position to know fully the course of events in those days preceding the opening of hostilities.

## The Japan Chronicle.

KORE OFFICE: 1 SARAY-MACHI, 1-CHOME.  
(TELEPHONE No. 176.)

LONDON OFFICE: 34 Gray's Inn Residence,  
Clerkenwell Road, E.C.

THURSDAY, MAY 11TH, 1905.

### A GLIMPSE INTO RECENT HISTORY.

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UNITED STATES LEGATION,  
TOKIO.

No. 261.

May 16, 1905.



*ack'd  
June 20, 1905  
F. J. G.*



Mr. Griscom to Mr. Hay.



SUBJECT:-Claim of Adolph Spitzel against Japanese Govern-  
ment for loss of cargo of Steamship "Sishan."  
Copies of correspondence enclosed.

UNITED STATES LEGATION,  
TOKIO.

No. 261.

May 16, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to submit herewith for your information and for such instruction as you may deem advisable to give me, copies of a letter dated Shanghai, March 29, 1905, addressed to me by Messrs. Stokes, Platt and Teesdale, solicitors, and of the accompanying documents, and of a letter from Consul Harris, dated Nagasaki, April 25, 1905, relative to the claim of Mr. Adolph Spitzel against the Government of Japan for the alleged wrongful seizure, detention and loss of the cargo of the British steamship "Sishan".

These enclosures state, in substance, that in September, 1904, Mr. Adolph Spitzel, an American citizen, acting in his own behalf, loaded the British steamship "Sishan" in Hongkong with a cargo of live-stock and provisions and despatched her to Newchwang, where she arrived on October 2, 1904, and where the live-stock was landed on the following day. There being then no market for the live-stock it was returned aboard the steamship and application was made for a clearance to Chefoo, which was issued by the Chinese Customs. Before sailing, however, an offer for the live-stock was made by some Japanese, and the vessel was re-entered at the Customs House. A medical examination resulted in a prohibition against landing the cattle. On October 6, 1904 the vessel and cargo were seized by the Japanese Naval Authorities and brought to Sasebo, Japan, where on October

26, 1904, by judgement of the Prize Court, they were released from custody. Application for damages arising from this seizure and detention was rejected by the Court. The British Minister at Tokio has been instructed by his Government to present a claim to the Japanese Government on behalf of the owner of the vessel for her detention. The owner of the cargo now seeks the assistance of the American Government in presenting his claim for damages, alleged to amount to \$85,424.50.

*Confidential* { Consul General Miller, formerly at Newchwang, informs me that the narrative of events at that place, as contained in the accompanying enclosures, is substantially correct, and states further that, in December, last, while en route to San Francisco, on the steamship "Mongolia", he had an interview with the first mate of the "Sishan", who admitted that her cargo was originally destined to run the blockade at Port Arthur, but that on arrival off that port, the signals prearranged to indicate that entry was safe, were not displayed by the Russian garrison, and the captain of the "Sishan" therefore altered his course to Newchwang.

It will be remembered that the mercantile house of Spitzel was alleged to have been concerned in supplying arms to the insurgents in the Philippine Islands.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Churman.*

Enclosures:-

1. Messrs. Stokes, Platt & Teesdale to Mr. Griscom, March 29, 1905, with 9 sub-enclosures.
11. Consul Charles B. Harris to Mr. Griscom, April 25, 1905.

Enclosure No. / with Mr. Griscom's No. 261 of <sup>7/11/16</sup> ~~April~~, 1905.

COPY/

Shanghai, March 29th, 1905.

The Honourable Lloyd C. Griscom,  
U. S. Minister To Japan,  
Tokio, Japan.

Sir:-

We act for a Mr. Adolph Spitzel, and American Citizen who was the owner of a cargo loaded on the British Steam Ship "Sishan" during a recent voyage which such steamer made from Hongkong to Newchwang. While such vessel was at Newchwang she was seized by the Japanese authorities and taken over to Sasebo in Japan in order that she might be brought before the Naval Prize Court there for condemnation. The Prize Court Officials after hearing the evidence released the steamer and her cargo. The Prize Court was asked to entertain a suit for damages by reason of the wrongful seizure and detention of the "Sishan" and her cargo, but the Court has refused to entertain such a suit.

On behalf of Mr. Adolph Spitzel we therefore respectfully ask that you lay before the Japanese Authorities his claim amounting to \$83, 424.50 arising out of the wrongful seizure and detention of the above mentioned cargo. Particulars of such claim are annexed hereto.

We may add that we act also for a Mr. Samuel Spitzel, of London, who is the registered owner of the said Steam Ship "Sishan", and so acting, both for the owner of the ship and the owner of the cargo, we wrote on the 28th November last to the British Minister at Tokio setting out the circumstances and asking him to bring the claims for d

damages

damages of both owners to the notice of the Japanese Authorities. We enclose a copy of our letter to the British Minister, and you will see that this letter sets out fully all the facts of the case.

Mr. Samuel Spitzel's lawyers in London, by name Messrs Michael Abrahams Sons & Co. communicated their clients claim and also Mr. Adolph Spitzel's, to the British Foreign Office in London, who replied saying that Mr. Adolph Spitzel's claim would have to be put forward through the American Minister at Tokio, Mr. Adolph Spitzel being an American Citizen. We therefore are now writing to you. You will see from our letter to the British Minister that if the Japanese Authorities will admit their liability to pay damages for the wrongful seizure and detention our clients are quite ready to refer the question of the amount which has to be paid to arbitration, and this seems a fair and reasonable course to take.

Thanking you in anticipation for the assistance we trust you will give our client in the matter,

We have the honor to be Sir,

Your obedient servants,

Signed: Stokes Platt & Teesdale.

Enclosure No. 2, with Mr. Griscom's No. 241, of <sup>May 16</sup> ~~April~~, 1905.

COPY.

Particulars of damage suffered by Mr. Adolph Spitzel the Owner of the cargo on board the S.S. "Sishan" by reason of the seizure and detention of that ship and her cargo by the Japanese Authorities.

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409 head of cattle at \$125 each	-	\$51125.00
99 head of Sheep at \$18 "	-	\$ 1782.00
400 piculs Potatoes at \$2 per picul	-	\$ 800.00
2000 bags of Rice at \$11 per 200 pounds per bag	-	\$22000.00
1000 bags of Flour at \$3 per bag	-	\$ 3000.00
500 piculs of hay at \$1 per picul	-	\$ 500.00
Pilot to Sasebo and return	-	\$ 100.00
150 tons coal at \$10 per ton	-	\$ 1500.00
Captain from Nagasaki to Shanghai	-	\$ 400.00
Pansteze Pilotage	-	\$ 110.00
Cattle stalls destroyed	-	\$ 3200.00
Damage to rooms by Jap. Guards	-	\$ 200.00
One revolver stolen by Japanese Guards	-	\$ 7.50
Japanese Lawyer at Sasebo Yen 700	-	\$ 700.00
		-----
		\$ 85424.50

Enclosure No. 3, with Mr. Griscom's No. 26, of <sup>May 16,</sup> ~~April~~, 1905.

COPY.

Translation of order of Prize Court releasing the S. S.  
"Sishan".

JUDGMENT.

Having fully considered the opinion brought us  
by our Prosecutors, Mr. C. Mizukami and Mr. S. Yamamoto,  
concerning the case of the seizure of the British Steam-  
ship "Sishan" and the cargo on board we give the decision  
of this Court as follows:-

The principal adjudication.

The aforesaid Steamship "Sishan" and all of her  
cargo on board shall be released from seizure.

Facts and reasons.

(understood)

This Twenty-sixth day of the tenth Month of the  
thirty-seventh year of Meiji (1904).

At the Sasebo Prize Court.

(Sgd). T. Yamaguchi.

Presiding Judge.

M. Kamayama.

Judge.

S. Ota.

Judge.

M. Koyama.

Judge.

G. Tendo.

Judge.

S. Matsui.

Clerk.

Translated by G. Ikebe, Clerk & Interpreter.

Enclosure No. 4, with Mr. Griscom's No. 24, of <sup>May 16,</sup> ~~April~~, 1905.

### THE SISHAN CASE.

#### Judgment of Sasebo Prize Court.

The judgment of the Sasebo Prize Court on the steamer Sishan which was released on the 26th October contains all the circumstances in connection with the seizure of the steamer at Newchwang. We therefore make a resume of the judgment as under:-

The steamer Sishan is owned by Samuel Spitzel, a British subject, registered at Hongkong as a British ship and is a merchant ship flying the British flag engaged in transporting cargo. The steamer after loading a large number of cattle and other provisions left Hong Kong on the 25th September last for Newchwang and passed the coast near Port Arthur during the night and entered the port of Newchwang on the 2nd October and tried to sell the cattle aboard and landed the same but the transaction being unsuccessful reloaded them and tried to clear for Chefoo for which purpose she applied for a permit in vain, when the steamer was suspected by the Japanese warship Tsukushi, then at Newchwang, and was examined by the Naval officers of the warship and was seized at that port on the 7th October last, being charged with carrying contraband to one of the belligerents. All the papers which the steamer had at the time of the seizure were not produced in the Prize Court, as the papers are in the hands of the British Consulate at Newchwang.

The above facts were proved by the statements of Lieutenant Kanjiro Hara acting for the commander of the Tsukushi as well as that of James Cartridge, captain of the steamer Sishan, John Plage, chief engineer, David Fotheringham, second engineer, Robert Bouchard, third engineer, all of the same steamer, as well as that of H. K.

Struve, a passenger of the steamer and also of Adolph Spitzel, a witness, and by bills of lading and manifests produced etc.

The opinion of the procurators of the Court was that the papers of the steamer Sishan are very incomplete and in disorder and there are special reasons to believe the steamer was continuing her voyage carrying contraband to one of the belligerents, but the opinion of the court is that the evidence is not sufficient to prove the charge and that the steamer and her cargo must be released.

Further facts mentioned in the judgment are:-

The steamer Sishan had been bought by Adolph Spitzel, a U. S. citizen, as agent for his cousin Samuel Spitzel, a British subject, and the said Adolph Spitzel has the full power to dispose of the steamer.

The cargo on board the steamer is military stores to be sold to any one who will offer the highest price and will be carried to any place where the owner can get the largest possible profit out of it and Adolph Spitzel made an arrangement with Struve, a U. S. citizen, to give him a portion of the profit when made and engaged him to look after the cargo on board the steamer and Struve had the whole control of affairs on board the steamer and thus the steamer left Hong Kong for Newchwang. However at the time the Russian forces in Port Arthur, besieged by the Japanese Army and blockaded by the Japanese Navy, were suffering greatly from scarcity of food. Thus there were reports current at Hong Kong and Shanghai that the steamer was going to smuggle into Port Arthur and the report had been published in newspapers. When the steamer arrived at Newchwang it was attempted to sell the cargo there but this was unsuccessful and at the same time the steamer tried to leave for Newchwang for Chefoo which she could not

reach

reach unless by passing the coast of Port Arthur. But at the time Sturve went to the steamer's Agents Bush Brothers & Co. at Newchwang and informed them of the fact that he intended to go to Port Arthur with the cargo and the chief officer of the steamer, Chambers, informed the British Consulate at Newchwang of the fact that the steamer attempted to break the Japanese blockade and enter Port Arthur on her way to Yinkow from Hong Kong but was unsuccessful and the steamer would again try to go to Port Arthur under the false pretense of going to Chefoo. Upon getting this information the Japanese warship Tsukushi examined the steamer and found the ship's papers incomplete and also the fact that the port of destination was undecided, and that the Captain of the steamer had no authority on the steamer and the warship was not able to get satisfactory explanation of all these suspicious points. Thus the steamer had been seized for the adequate reason that the steamer was suspected of intending to go to Port Arthur on the pretence of proceeding to Chefoo, with the intention of supplying provisions to the Russian forces in Port Arthur as originally intended. Thus the seizure had been made with ample reason and with justifiable cause but though the steamer intended to break the Japanese blockade line yet the steamer did not actually commit the action and moreover explanations having been given of the reasons for the papers being incomplete and the captain's lack of authority, etc. and therefore though the seizure was lawful the steamer Sishan and her cargo have to be released.

Enclosure No. 5, with Mr. Griscom's No. 26, of ~~Sept~~ <sup>May 16</sup>, 1905.

**TRANSLATION.**

**C O P Y .**

Sasebo, 31st October, 1904.

Mr. Adolph Sptizel

representing the owner of

the S. S. "Sishan".

Nagasaki Hotel, Matsugaye-machi,

Nagasaki.

Acknowledging receipt of your letter dated the 27th day of October 1904 concerning the filing of complaint for claim of damages for capture of the ship, the undersigned Court replies that the case is not to be entertained by this Court.

The Prize Court at Sasebo.

I hereby certify that the above is the true translation of the Japanese original.

(Sgd) S. Hatakeyama.

Enclosure No. 6, with Mr. Griscom's No. 26, of <sup>May 16,</sup> ~~May 16,~~ 1905.

COPY.

Shanghai, 28th November 1904.

Sir,

The Owner of the British Steamship "Sishan" and the Owner of the cargo loaded on her during a recent voyage from Hongkong to Newchwang, have a claim for damages against the Imperial Japanese Government, arising out of the recent wrongful seizure and detention of such vessel and cargo by the Japanese Naval Authorities. Such claim amounts to \$98949.50 and particulars thereof are annexed hereto. A Mr. Adolph Spitzel is the Agent in the East of the "Sishan" owner with regard to all matters connected with such steamship, and on behalf both of Mr. Adolph Spitzel and the owner of the "Sishan" we respectfully ask your assistance in preferring the above claim against the Japanese Government and obtaining payment thereof. Should the Japanese Government raise any objections to the amount of the claim, then, provided it will admit its liability to pay damages for the wrongful seizure and detention, our Clients are quite ready to refer the question of the amount which has to be paid, to Arbitration.

The Claim has arisen under the following circumstances The Steamship "Sishna" is owned by a Mr. Samuel Spitzel a British subject resident in London, and is registered at Hongkong as a British ship. Mr. Adolph Spitzel is, and was at the time when the occurrences about to be referred to took place, the Agent in the East of Mr. Samuel Spitzel. In the month of September last, Mr. Adolph Spitzel, acting on his own behalf, loaded the "Sishan" in Hongkong Harbour with a cargo of cattle, sheep, flour, American canned goods, rice, potatoes &c., which he bought in

Hongkong

Hongkong in order to sell in Newchwang where he knew there was at that time a good market for such a cargo.

No munitions of war of any kind whatsoever were loaded on board the steamer, she carried nothing in fact except the general cargo above mentioned. On the 25th September last the "Sishan" so loaded, cleared for Newchwang from Hongkong with Mr. Adolph Spitzel on board. The vessel's Log shows that she went at full speed as soon as she left Hongkong harbour, and never stopped until she dropped anchor outside the Bar at Newchwang to take on board a Pilot. She arrived at Newchwang on Sunday the 2nd October and was berthed alongside Bush Bros.' Wharf there. Immediately on arrival a Permit to land the cattle and sheep was obtained from the Harbour Master and they were duly landed in Bush Bros.' Compound. The following morning (Monday the 3rd October) Mr. Adolph Spitzel called upon Major Yokura, the Japanese Military Administrator, and offered him the cargo, Major Yokura said he would telegraph the offer up to Liaoyang to the Japanese Commissariat Department and ask for instructions. The following day, the 4th October, Major Yokura sent his Aide-de-Camp to Mr. Adolph Spitzel to say that he had received a reply to the effect that the Japanese Authorities did not need any live stock. The cattle and sheep were thereupon re-shipped on the "Sishan" and an application was made to the Chinese Imperial Maritime Customs for leave to clear for Chefoo. Such clearance, was however refused by the Customs Authorities who further said they were not at liberty to give any reason for such refusal. Mr. Adolph Spitzel at once applied to the British and American Consuls at Newchwang for assistance, and they, together with Mr. Adolph Spitzel and a Mr. Gilchrist who was ostensibly in charge of the Chinese

Customs, called upon Major Yokura in order to obtain an explanation as to why he had ordered the clearance of the ship to Chefoo to be refused. The result of this visit was that on the following morning, the 5th October, a clearance for Chefoo was issued by the Chinese Customs. A Pilot was sent by the Customs Authorities and he took the "Sishan" from the wharf and anchored her in the stream in order to await the tide. Some Japanese who said they were merchants, then came on board the vessel and offered a good price for the cattle and sheep which was accepted. They handed Mr. Adolph Spitzel a cheque on the Yokohama Specie Bank for \$3,000 as bargain money. The vessel was thereupon re-entered at the Customs and taken back to the wharf in order that the cattle and sheep might be landed. Before such cattle could be landed the Japanese Administration sent a Doctor on board to examine the cattle. The Doctor looked at one animal only and that in a very cursory way, and then left. An order was next received by Mr. Adolph Spitzel from the Japanese Administration not to land either the cattle or the cargo. That same evening, the 5th October, at about 8 o'clock a Chinese armed Guard attempted to come on board the ship, their Captain saying that they had been sent by the Japanese Authorities to do so. They were refused admission on board, as the "Sishan" was a British ship in a neutral port. Mr. Adolph Spitzel at once reported this occurrence to the American Consul, and he accompanied by Mr. Spitzel at once called upon Major Yokura and the Captain of the Japanese gunboat in the harbour, and asked for an explanation. Major Yokura was profuse in his apologies and promised that everything would be put right in the morning. A strong protest was at the same time presented by Mr. Adolph Spitzel to the British Consul, who wired at once to Peking reporting

porting the facts. The following morning, the 6th October, a Japanese Naval Officer boarded the "Sishan" with an armed guard of Japanese Bluejackets and began questioning the Captain of the "Sishan" and others who were on board. The Officer ordered the Captain of the "Sishan" to lower the British Ensign and hoist the Japanese flag, but the Captain refused to do so, and thereupon a Japanese Bluejacket tore down the British flag, flung it amongst the cattle and ran up the Japanese Ensign. On this happening Mr. Adolph Spitzel left the ship, and in company with Messrs Bush Bros.' manager, interviewed the British Consul who at once hurried back with them to the "Sishan". The Consul expostulated with the Japanese Naval Officer, but he curtly replied that he had seized the ship. The Consul strongly protested against such action, and informed the Japanese Naval Officer that he, as British Consul held all the ship's papers, which included her clearance papers, Bill of Health, discharge permit, tonnage dues, portage bill etc., and that the same were all in order. The Consul assured the Japanese Officer that the ship's papers were clean and above suspicion in every respect, and he refused to give them up as they conformed to the law in every way. It was all of no use however, as payment of the cheque for \$3,000 given as above mentioned as bargain money for the purchase of the cargo was stopped, the Japanese Authorities refused to release the ship, and eventually took her with her crew and cargo to Sasebo in Japan for adjudication by the Prize Court there. The vessel was so seized by the Japanese Authorities while lying alongside a wharf in a neutral port on the 6th October. Mr. Adolph Spitzel did not accompany the "Sishan" to Sasebo, but proceeded with all haste to Shanghai in order that he might obtain legal assistance for the proceedings which

were

were about to take place before the Prize Court. On arriving at Shanghai he retained our services, and left at once for Sasebo with Mr. Platt, a member of our firm. On the arrival of the "Sishan" at Sasebo a great deal of time was spent by the Prize Court Officials in taking the evidence of the Officers of the ship and others, and it was not until the 26th October that the Judgment of the Court was delivered, releasing the ship and cargo on the ground that the seizure, under the circumstances, was unjustifiable. A translation in English both of the Order of the Court releasing the ship, and of the Court's Judgment are annexed hereto. There are several inaccurate statements in this Judgment, the principal ones being the following:-

The judgment alleges that the papers of the "Sishan" were very incomplete and in disorder, but the vessel's papers were never seen by the Court, being, as mentioned above, in the hands of the British Consul at Newchwang, who had assured the Japanese Authorities they were all in order : again the Judgment says that there were special reasons for believing the steamer was about to carry contraband to one of the belligerents, but this was mere surmise on the part of the Officials of the Court, and there was no evidence whatsoever given in support of it. The Judgment says that Mr. Adolph Spitzel made an arrangement with a Captain Struve referred to in the Judgment to pay him a portion of the profits derived from the sale of the cargo in return for his looking after the cargo, this is perfectly true, and Mr. Adolph Spitzel was quite justified in making such an arrangement for he himself knew very little about such matters, and Captain Struve was well experienced therein and was employed as a super-cargo. The Judgment further states that Captain Struve

went to Messrs Bush Bros. & Co. at Newchwang and informed them that the ship intended to go to Port Arthur with the cargo, and the Chief Officer of the steamer, named "Chambers" in the Judgment, (that however not being the Chief Officer's name : "Chambers" being the name of the 3rd Officer who was discharged for drunkenness before the British Consul at Newchwang when the ship was there) informed the British Consulate at Newchwang that the steamer had attempted to break the Japanese blockade of Port Arthur on her way up from Hongkong, and would again try to break it after leaving Newchwang under the false pretence of going to Chefoo. These alleged statements by Captain Struve and the Chief Officer are absolutely denied, and it is difficult to understand on what evidence the Prize Court Officials arrived at the conclusion that these statements were ever made, for they never had before them either the evidence of any one from Messrs Bush Bros.' firm or from the British Consulate at Newchwang nor did they have the evidence of the 3rd Officer "Chambers". They examined Captain Struve and the Chief Officer who denied having made such statements. Further, on this point, it seems most improbably, if the "Sishan" had attempted to break the blockade going to Newchwang, or intended to do so after leaving Newchwang, that any one on board of her would have informed Messrs. Bush Bros. or the British Consulate thereof, and further, why should she attempt to break the blockade after all her cargo had been sold in Newchwang, and in this connection it ~~must~~ should be mentioned that when the British Consul at Newchwang was expostulating with the Japanese Authorities regarding the seizure of the "Sishan", he told them that if they thought the "Sishan" was going to try and break the blockade of Port Arthur, they were at liberty to put a Japanese guard on her, or

escort

escort her to Chefoo with a Gunboat.

From the above it will be seen that the "Sishan" was seized by the Japanese Naval Authorities when she was alongside a wharf in a neutral port, and there can be no justification whatsoever, for such an act on their part. She was not released until the 26th October, and it seems only just that the Japanese Government should compensate the Owners of the "Sishan" for the loss and damages they have suffered by reason of such a wrongful act on the part of its Officials.

As regards the amount of damages claimed, as we have already said, if the Japanese Government objects to the amount, our Clients have no objection whatever to the same being settled by arbitration, provided the Japanese Government admits its liability to pay damages. In the particulars of the damages annexed hereto, it will be noticed that a claim is made for 508 head of cattle and sheep. When the "Sishan" arrived at Sasebo, the Japanese Authorities said that the cattle were diseased and they thereupon fumigated the ship from bow to stern. They had no ground whatever for such a contention, the cattle, taking into consideration the length of time they were detained on the ship by the Japanese Authorities, were in a sound and healthy condition. At Sasebo no food was supplied for the cattle by the Japanese Authorities, many applications were made to them for food and eventually the cattle had to be fed on the potatoes which formed part of the cargo of the ship. After some time the cattle were all landed by the Japanese Authorities at Sasebo, and since then they have remained in their possession and no payment, has been made to Mr. Adolph Spitzel on that account. As regards the other part of the "Sishan's" cargo it will be noticed that a claim for damages is made only for the perishable

part, that is, the potatoes, rice, flour and hay: this part of the cargo was absolutely ruined in consequence of the way in which the ship was fumigated, and had to be thrown overboard.

If any further information is required with respect to any item in the particulars annexed to the damages or with respect to any other matter we will do our best to supply it.

A formal application has been made to the Prize Court at Sasebo to assess the damages the owner of the "Sishan" has sustained, but such Court has refused to entertain such a claim, and consequently the only course our Clients can pursue is to lay the matter before you and ask you to represent it to the Imperial Japanese Government.

Thanking you in anticipation, for the assistance we trust you will give our Clients in the matter.

We have the honour to be

Sir,

Your humble and obedient Servants,

(Signed) Stokes Platt & Teesdale.

To

Sir Claude Macdonald,

G.C.M.G. K.C.B.

H. B. M's Minister.

Tokio, Japan.

Enclosure No. 7, with Mr. Griscom's No. 261, of <sup>May 16,</sup> ~~261~~, 1905.

C O P Y .

Tokyo, March 25th, 1905.

Gentlemen,

In continuation of my letter of Dec. 8th last in which I acknowledge the receipt of your communication of the 28th of November regarding the case of the British S. S. "Sishan", I have now to inform you that in pursuance of instructions from His Majesty's Government I have presented a memorandum to the Japanese Government asking them to consider favourably a claim for demurrage to the extent of - say twenty-one days - at a reasonable rate.

I have not yet received a reply to this memorandum.

I should mention that in his instructions to me in this matter the Secretary of State points out that British interests are confined to the ship only as distinct from the cargo.

I am,

Gentlemen,

Your obedient servant,

(sg) Claude M. Macdonald.

Messrs Stokes, Platt & Teesdale,

4 Balfour Buildings, Shanghai.

Enclosure No. 8, with Mr. Griscom's No. 261, of <sup>May 16,</sup> ~~August~~, 1905.

Foreign Office,

February 4th, 1905.

Gentlemen,

I am directed by the Marquess of Lansdowne to acknowledge the receipt of your letter of the 24th ultimo, with the accompanying documents relative to the claim of Mr. Samuel Spitzel against the Japanese Government for the seizure and detention of the Steam Ship "Sishan" which you request His Majesty's Government will take steps to support

I am, in reply, to observe that, as the cargo carried on board the "Sishan" appears to have belonged to an American Citizen, any claims advanced on account of its destruction or detention must be presented to the Japanese Government by the Government of the United States and that consequently His Majesty's Government could not put forward the claim now made in its existing shape. If the Ship Owner desires to make a claim in respect of the detention of the ship, Lord Lansdowne would be glad to receive a copy of the Ship's Register in order to judge whether the amount claimed for demurrage is one that he could reasonably ask the Japanese Government to pay.

His Lordship would also be glad to receive some further explanation as to the item for destruction of cattle stalls, as no mention is made of this in Messrs Platt & Teesdale's letter.

I am,

Gentlemen,

Your most obedient humble servant.

F. A. Campbell.

Messrs. Michael Abrahams Sons & Co.

Enclosure No. 9, with Mr. Griscom's No. 261, of <sup>May 16,</sup> ~~April 16,~~ 1905.

C O P Y .

Shanghai, April 4th, 1905.

The Honourable Lloyd Griscom,  
U. S. Minister,  
Tokio, Japan.

Sir,

In further continuation of our letter to you of the 29th ult., with reference to Mr. Adolph Spitzel's claim against the Japanese authorities for damages on account of the seizure and detention of his cargo laden on board the S. S. "Sishan", we now beg to enclose a copy of a letter dated the 24th February last, addressed by the Foreign Office in London to Messrs. Michael Abrahams Sons & Co., the legal advisers in London of the Owner of the S. S. "Sishan".

We also enclose copy of a letter dated the 25th ult. we have received from the British Minister in Tokio, informing us he has presented to the Japanese Government a Memorandum asking that Government to consider favourably the claim for demurrage on account of the detention of the "Sishan".

We are, Sir,

Your obedient servants,

Signed: Stokes, Platt & Teesdale.

Enclosure No. 10, with Mr. Griscom's No. 261, of <sup>May 16,</sup> ~~May 16,~~ 1905.

C O P Y .

FOREIGN OFFICE.

February 24th 1905.

Gentlemen,

I am directed by the Marquess of Lansdowne to acknowledge the receipt of your letter of the 7th instant respecting the claim of Mr. Samuel Spitzel on account of the seizure and detention of the Steamship "Sishan" by the Japanese Naval Authorities.

I am to inform you that Sir Claude Macdonald will be requested to put forward a claim on behalf of the Shipowner on account of the detention of the vessel as distinct from the cargo, but that Lord Lansdowne is advised that £35 (Thirty-five) perday is an ample amount to claim for the detention. The necessary evidence and vouchers in support of the other items must be produced, but as all the documents are presumably in the Far East His Lordship considers that the claim can be more advantageously put into shape at Tokio, and His Majesty's Minister will be advised accordingly.

I am, Gentlemen,

Your most obedient, humble servant,

(Sd) F. A. Campbell

Messrs. Michael Abrahams Sons & Co.

5b Tokenhouse Yard. E. C.

Enclosure No. //, with Mr. Griscom's No. 241, of *May 16*, 1905

C O P Y .

No. 4683.

AMERICAN CONSULATE,

Nagasaki, Japan, April 25th, 1905.

Honorable Lloyd C. Griscom,

American Envoy Extraordinary and Minister Plenipoten-  
tiary,  
Tokio, Japan.

Sir:

I have to acknowledge the receipt from the Legation of instruction No. 116 of the 7th instant, informing me that there had been received at the Legation a claim from Mr. Adolph Spitzel of Hongkong against the Japanese Government for the seizure and detention of the cargo of the Steamship "Sishan" which was released from custody by the Prize Court at Sasebo on October 26th, 1904, enclosing a list of the items of Mr. Spitzel's claim, and directing me to furnish the Legation any information that I can procure bearing upon the merits of the claim or the values of the property in question.

In reply I have to refer you to my despatches No. 4385 and 4404 of October 19th and 29th, respectively, and to report that the Steamship "Sishan", upon her release from Sasebo, came to Nagasaki for the sole purpose, as I am informed, of discharging the master, which was done. The master who signed at Nagasaki, taking the vessel direct to Shanghai, is credibly reported to have said that he received thirty pounds sterling for the voyage. The wages he was to receive do not appear on record at the British Consulate, nor does the amount paid the pilot to Sasebo and return. I am, however, informed that the pilot, Mr.

Banks

Banks, now deceased, received seventy-five yen for going to and returning from Sasebo, though he was not allowed to pilot the vessel from that port.

While at Nagasaki the "Sishan" did not enter or clear, nor did she discharge cargo; and she was reported to be well loaded. She did, however, take on 230 tons of bunker coal, paying for the same five yen per ton. I am informed that while at Sasebo there were found by the sanitary authorities among the cargo aboard the "Sishan" 229 head of cattle with rinderpest, and 72 head of sheep suspected of having that disease, which were killed and destroyed by the authorities. There were also destroyed the stalls, consisting principally of bamboo, in which the diseased animals had been confined aboard the vessel. The value of the animals killed, and of the stalls destroyed, I am unable to state or even to approximate. I am also informed that there was no cargo, other than that mentioned discharged at Sasebo from aboard the "Sishan".

As to the merits of Mr. Spitzel's claim or of the values of the property specified, I have no knowledge other than given herein. It would, however, seem as if the services of master and pilot, claim for coal and for stalls destroyed, damages to rooms, etc. were directly chargeable to the ship.

I am, Sir,

Your obedient servant

Signed: Charles B. Harris

Consul.

UNITED STATES LEGATION,  
TOKIO.

No. 262.

May 22, 1905.

DIPLOMATIC

JUN 24 1905

BUREAU.



*Chas. H. ...  
ack'd  
June 26, 1905  
File*

DIPLOMATIC BUREAU

Mr. Griscom to Mr. Hay.

Subject:--Fee for registering Legation telegraphic address.



CHIEF CLERK,

JUN 22 1905

Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 262.

May 22, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

In reply to the Department's instruction No. 121 of the 27th ultimo, I have the honor to inform you that the registration fee for the Legation's telegraphic address is 12 yen per annum, payable April 1, which is the beginning of the Japanese fiscal year.

I have the honor to be,

Sir,

Your obedient servant,

*L. J. A. H. H. H.*

UNITED STATES LEGATION,  
TOKIO.

JUN 23 1905  
BUREAU.

No. 263.

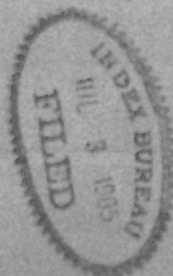
May 24, 1905.



*ack'd  
June 24, 1905  
J. F. J.*

Mr. Griscom to Mr. Hay.

SUBJECT:-Claim of Adolph Spitzel against Japanese Government  
on account of cargo of steamship "Sishan."  
Copies of further documentary evidence enclosed.



CHIEF CLERK,  
JUN 22 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 263.

May 24, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

Sir:-

Referring to my despatch No. 261, of May 16, 1905,  
I have the honor to transmit herewith copies of a letter  
dated Shanghai, May 10, 1905, from Messrs. Stokes, Platt  
and Teesdale, solicitors, and accompanying documents, re-  
lating to the claim of Mr. Adolph Spitzel against the Jap-  
anese Government for damages alleged to have arisen out of  
the seizure and detention of the cargo of the steamship  
"Sishan."

It will be noted that Mr. Spitzel now states the  
amount of his claim as Yen 73,712.

I have asked Messrs. Stokes, Platt and Teesdale  
to furnish me with evidence of Mr. Spitzel's American cit-  
izenship.

I have the honor to be,

Sir,

Your obedient servant,

*Lord C. H. C.*

ENCLOSURES:-

Messrs. Stokes, Platt and Teesdale to Mr. Griscom,  
May 10, 1905, with <sup>three</sup> ~~two~~ sub-enclosures.

Enclosure No. / with Mr. Griscom's No. 263, of *May 24, 1905*

C O P Y .

Shanghai, May 10th, 1905.

Lloyd C. Griscom, Esq.,  
U. S. Minister,  
Tokio,  
Japan.

Sir:

We have already written you in connection with Mr. Adolph Spitzel's claim against the Japanese Government arising out of the seizure and detention by the Japanese Authorities of his cargo, which was laden on board the Steam Ship "Sishan". As you are aware the owner of that vessel is claiming on the Japanese Government for damages on account of such seizure and detention, and such owner has been asked by the British Minister at Tokio to forward to him an Explanatory Affidavit as regards such claim. We therefore think you may like to have an Explanatory Affidavit from the owner of the cargo. Such an Affidavit we now enclose. It shows that Mr. Adolph Spitzel's claim on account of the cargo amounts to Yen 73,712.

If you require any further information than what is contained in the enclosed affidavit and will let us know we will do our best to supply it.

We are, Sir,

Your most obedient servants,

Signed: Stokes, Platt & Teesdale.

Enclosure No. / with Mr. Griscom's No. 263, of *May 24, 1905*

C O P Y .

Shanghai, May 10th, 1905.

Lloyd C. Griscom, Esq.,  
U. S. Minister,  
Tokio,  
Japan.

Sir:

We have already written you in connection with Mr. Adolph Spitzel's claim against the Japanese Government arising out of the seizure and detention by the Japanese Authorities of his cargo, which was laden on board the Steamer Ship "Sishan". As you are aware the owner of that vessel is claiming on the Japanese Government for damages on account of such seizure and detention, and such owner has been asked by the British Minister at Tokio to forward to him an Explanatory Affidavit as regards such claim. We therefore think you may like to have an Explanatory Affidavit from the owner of the cargo. Such an Affidavit we now enclose. It shows that Mr. Adolph Spitzel's claim on account of the cargo amounts to Yen 73,712.

If you require any further information than what is contained in the enclosed affidavit and will let us know we will do our best to supply it.

We are, Sir,

Your most obedient servants,

Signed: Stokes, Platt & Teesdale.

Sub. Enclosure, No. 2 with Mr. Griscom's No. 263, of May 24, 1905

C O P Y .

In the Matter of the seizure detention and subsequent release by the Japanese authorities of the cargo laden on board the British steamship "Sishan".

-----

I Adolph Spitzel, an American citizen, residing at Shanghai in the Empire of China make oath and say as follows:-

1. In the month of September last I loaded the S.S. "Sishan" with a cargo of cattle sheep and provisions for conveyance to Newchwang where I knew there was at that time a good market for such a cargo. I bought the cargo in Hongkong and it belonged to me.

2. The S.S. "Sishan" left Hongkong on the 25th September. I went in her and we arrived at Newchwang on the 2nd October.

3. On arrival I offered the cargo for sale to the Japanese authorities, who, after some consideration, declined the same, and I then applied, as agent for the owner of the ship, to the Customs for leave to clear for Chefoo. Such clearance was at first refused, but on the 5th October it was granted. That same day an offer was received from some Japanese, who came on board and said that they were merchants, to purchase the cattle and sheep, their offer was accepted and they handed me a cheque for \$3,000 on the Yokohama Specie Bank as bargain money (Payment of this cheque was subsequently stopped). I also arranged to sell the balance of the cargo to the Compradore of the British firm of Bush Bros. at Newchwang. Before I could

land the cargo I received an order from the Japanese Administration not to do so, and on the morning of the 6th October an armed guard of Japanese sailors came on board and seized the vessel, the Japanese ensign being hoisted in place of the British. In spite of strong protests from the American and British Consuls at Newchwang the vessel, with her crew and cargo, was taken by the Japanese guard to Sasebo in order that she might be brought before the Naval Prize Court for adjudication. She duly arrived at Sasebo and was brought before the Prize Court. On the 26th October the Prize Court delivered its judgment releasing the ship and her cargo on the ground that the seizure was unjustifiable.

4. When this vessel was so seized the cattle and sheep were in a sound and healthy condition. At Sasebo the Japanese Authorities took all the cattle and sheep out of the ship on the ground that they were diseased, and fumigated the ship. They were not in any way diseased, but even if they were, they became so by reason of their having been kept so long on the ship while she was in the hands of the Japanese authorities, and through such authorities not providing sufficient food for them. It was frequently represented to the authorities that the cattle and sheep were starving, but to no purpose, and in the end the crew of the vessel kept the cattle and sheep alive by feeding them on the potatoes which formed part of the ship's cargo.

The Japanese authorities have never returned to me a single head of my cattle and sheep. They have taken the whole lot. Again part of my cargo was of a perishable kind, and by reason of the ship's detention for 21 days by the Japanese authorities, and the cost of fumigation through

which

which they put the ship, it was absolutely ru<sup>1</sup>ned.

5. The consequence of the above, I have suffered damage to the extent of Yen 73712.00 Particulars showing how this amount is arrived at is annexed hereto.

6. The ship's Bill of Lading annexed hereto shows the quantities of the various kinds of cargo shipped on board at Hongkong with the exception of the hay which was not put on the Bill of Lading. The prices placed by me on the various items in my claim are those which were offered me in Newchwang by the Japanese merchants and Messrs Bush Bros.' Comrades. Messrs Bush Bros.' letter to me of 8th October is also annexed as it shows that I was prepared to sell the cattle for \$125 per head, which was the price the Japanese merchants subsequently offered and which was accepted by me.

Signed : A. Spitzel

Subscribed and sworn to before me  
this 10th of May, 1905

M. P. Boyd

Deputy Consul General, U. S. A.

---

Note by Legation— The bill of lading, above referred to, states that the merchandise in question was received on board the "Sicken" bound for ~~the~~ Newchwang "with liberty to receive and deliver cargo and passengers at any ports on the route," etc.

Sub. Enclosure, No. 3, with Mr. Griscom's No. 263, of May 24, 1905

C O P Y .

Particulars of damage suffered by the Owner of the cargo on board the British Steamship "Sishan" in consequence of her seizure and detention by the Japanese Authorities.

- |     |                                   |   |           |
|-----|-----------------------------------|---|-----------|
| (1) | 409 head of cattle at \$125 each  |   |           |
|     | - \$51125 - \$37321 at 78 1/2     | - | Yen 47543 |
| (2) | 99 head of sheep at \$18 each     |   |           |
|     | - \$1782 - \$1301 at 78 1/2       | - | Yen 1660  |
| (3) | 400 piculs of potatoes at \$2 per |   |           |
|     | picul - \$800 - \$ at 78 1/2      | - | Yen 744   |
| (4) | 2000 bags of rice at \$11 per     |   |           |
|     | 200 pounds per bag - \$22000      |   |           |
|     | - \$16080 at 78 1/2               | - | Yen 20500 |
| (5) | 1000 bags of flour at \$3 per bag |   |           |
|     | - \$3000 - \$ 2190 at 78 1/2      | - | Yen 2800  |
| (6) | 500 piculs of hap at \$1 per      |   |           |
|     | picul - \$500 - \$ 365 at 78 1/2  | - | Yen 465   |

---

Yen 73712.

---

Set Enclosure No. 4 with Mr. Griscom's No. 263, of May 24, 1905.

C O P Y .

Newchwang, 8th October, 1904.

Adolph Spitzel, Esq.,

Present.

Dear Sir:

The s/s "Sishan" arrived on the 2nd instant at 10 A.M. and came alongside our flood wharf at 1 P.M. for the purpose of discharging some 400 odd head of cattle together with flour, rice, potatoes and corned beef.

The steamer was properly entered both at the H. B. M's Consulate and the I. M. Customs. After the cattle had been landed some two days and being unable to obtain your figure of \$125 per head the cattle were re-shipped, on the 5th inst., we requested you to come to our ebb wharf for the purpose of relanding your bullocks as we had sold them under your instructions to a Japanese merchant of good standing.

The steamer had been cleared at the Customs papers delivered to us by H. B. M's Vice Consul Mr. Brown. Without official notice we were informed indirectly through the Harbour Master that the steamer would not be allowed to discharge in accordance with instructions from Major Yokura H. I. J. M's Military Administrator. Mr. Gilchrist Acting Commissioner, interviewed our Mr. H. A. Bush and stated verbally for some reason beyond him he had been instructed to prevent the steamer from leaving vide instructions from Major Yokura. In the meantime Consul General Miller together with Mr. Gilchrist interviewed Major Yokura. According to British Consular Regulations once the papers are handed back the I. M. Customs have no

right

right to interfere as a steamer has complied to port regulations. Yesterday at 11.10 A.M. the British Ensign and replaced by the Japanese Ensign, and report has it that H. I. J. M's Government suspect she was originally destined for Port Arthur and not this. In the meantime the steamer's papers are detained by Vice Consul Brown, who refuses to deliver them to the Military or Naval Authorities.

We are, Dear Sir,

Yours faithfully

Signed: Bush Bros.

Agents a/s "Sishan".

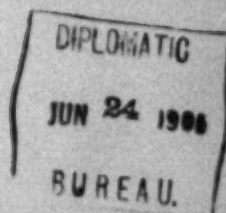
UNITED STATES LEGATION,  
TOKIO.

No. 264.

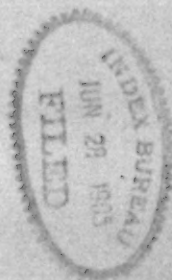
May 24, 1905.



*ack'd  
June 6. 1905  
J.P.*

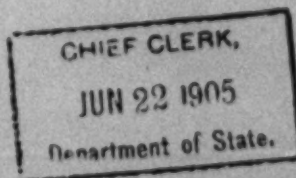


Mr. Griscom to Mr. Hay.



SUBJECT:-Claim of W. Toritch to property alleged to have  
been left at Port Arthur.

Encloses copies of note and report from Japanese  
Foreign Office, stating that property has not been  
found.



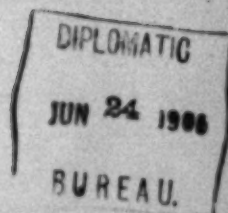
UNITED STATES LEGATION,  
TOKIO.

No. 264.

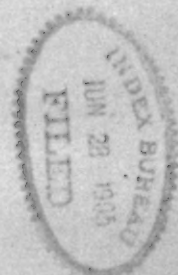
May 24, 1905.



*ack'd  
June 6. 1905  
R. H. J.*

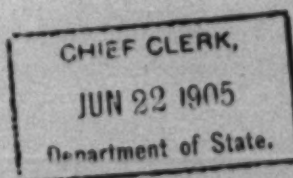


Mr. Griscom to Mr. Hay.



SUBJECT:-Claim of W. Toritch to property alleged to have  
been left at Port Arthur.

Encloses copies of note and report from Japanese  
Foreign Office, stating that property has not been  
found.



UNITED STATES LEGATION,  
TOKIO.

No. 264.

May 24, 1905.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:-

Referring to my despatch No. 196, of February 24, 1905, I have the honor to transmit herewith copies of a note to me, dated May 19, 1905, from the Minister for Foreign Affairs of Japan, and of a report from the military authorities at Port Arthur, relating to certain property alleged to have been left there by Mr. W. Toritch.

From these enclosures it appears that the property in question has not been found by the Japanese Authorities.

A copy of the letter from the Minister for Foreign Affairs has been sent by this Legation to the Consulate General at Shanghai for communication to Mr. Toritch.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd A. Griscom.*

ENCLOSURES-Copies:-

1. Baron Komura to Mr. Griscom, May 19, 1905.
2. Report from Authorities at Port Arthur.

Enclosure No. /, with Mr. Griscom's No. 264, of May 24, 1905

COPY.

Translation.

No. 26.

Department of Foreign Affairs,  
Tokio, May 19, 1905.

His Excellency

Lloyd C. Griscom,

Envoy Extraordinary and

Minister Plenipotentiary

of the United States of America.

Monsieur le Ministre,

With reference to my notes No. 10 of the 28th February and No. 13 of the 9th March last in connection with the private property alleged to have been left at Port Arthur by Mr. W. Toritch, an American citizen, I have the honour to inform Your Excellency that I am in receipt of a communication from the Minister of War, enclosing a report submitted to him by the Chief of the Staff of the Liaotung Garrison regarding the said private property, the translation of which I herewith enclose for your perusal.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Signed : Baron Komura Jutaro,

Minister for Foreign Affairs.

COPY.

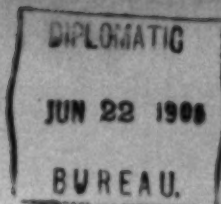
1. The house No. 2, Torgovia Street in which W. Toritch, an American citizen, alleges to have left his private property on the occasion of his departure, is identical to the present No. 1 Sabaye-cho, Old Town, and is now occupied by T. Takushima, a Japanese subject.
2. According to the old Russian House Register Book, the house in question together with the land on which it stands, is the property of the town of Port Arthur leased to a Kisliakoff, a Russian subject, Manager of the Tohelin (?) Company. After the capitulation of the town, towards the end of February last, the said Kisliakoff left Port Arthur entrusting the safekeeping of the said house and property to the said Takeo Takushima. Subsequently Kisliakoff sent a letter from Chefoo (the letter being duly viced by the Imperial Japanese Consulate) to Sharoff (?), a Russian remaining at Port Arthur, asking the latter to forward his property to Chefoo in a junk. Whereupon Takeo Takushima who had the said property in charge of, delivered them up to the said Sharoff.
3. At a part of the house at No 6 Sanchame Nogi-machi, Old Town, there was found a card nailed bearing the name of W. Toritch, in European letters. Upon investigation, it was found that Pawel Iakowalevitch Korgan (?) who was acting as bailee for Barashoff, the former occupier of the house, removed the property left in the house to a warehouse in New Town. The said <sup>Pawel</sup> Iakowalevitch Korgan stated that he did not find in the house any other article than those belonging to Barashoff and that not a small portion of them were found stolen, as the house was left without a keeper for some time after Barashoff's departure.

4. As above mentioned, the house at No. 2 Torgavia Street in which W. Toritch alleges to have left his personal property was, all the time, in occupation of other persons from the first, and the articles left in the house were already taken away by the former occupant. As to the property in the house at a part of which there was found Toritch's card nailed, there is no means to establish that there were any other articles than those belonging to its former occupant. Moreover further investigation in detail is almost impossible as it is not known what measures were taken by the Russian Authorities for the properties of absent persons since the outbreak of war.

UNITED STATES LEGATION,  
TOKIO.

No. 265.

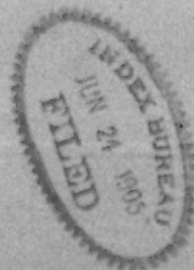
May 26, 1905.



*From Mr. Hay to Mr. Griscom*  
*10 June 1905*  
*June 23 1905*  
*[Signature]*

Mr. Griscom to Mr. Hay.

Subject:--Mr Okakura's commission to collect for the Boston  
Museum of Fine Arts.



UNITED STATES LEGATION,  
TOKIO.

No. 265.

May 26, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 119 of the 13th ultimo, with an inclosure, in regard to Mr. Okakura Kakuzo's commission to collect paintings and other objects of art for the Boston Museum of Fine Arts.

Mr. Okakura has already called at the Legation and I shall do whatever is possible in his behalf.

I have the honor to be,

Sir,

Your obedient servant,

*L. G. Chirico*

STY C. STATI

9 14 AM 190

CHIEF OFFICE

2 CB.WG.KQ. 15 U.S.G.

SECSTATE,  
Washington.

DIPLMATIC

MAY 29 1905

TELEGRAM RECEIVED.

BUREAU.

ASSISTANT SECRETARY.

MAY 29 1905

From TOKIO,  
(Received 7:43 a.m., May 27, 1905.)

*[Handwritten signature]*

TELEGRAM RECEIVED IN CIPHER.

DIPLMATIC

MAY 29 1905

BUREAU.

From TOKIO,  
Received May 27, 1905,  
6:35 p. m.

Secretary of State,  
Washington.  
May 26, 10 a. m.

*Group 731*  
*[Handwritten signature]*

ASSISTANT SECRETARY.

MAY 29 1905

Announced officially Japanese fleet engaged  
Baltic squadron in Tsu Shyma Straits this afternoon.  
~~which was heard~~ *heavy* Cannonading heard from shore.

GRISCOM.

*\* See Despatch 10279 of June 18.*



iphered by the Chief Clerk's Office,

May 28, 1905. 11:50 a. m.

ST. O. STATI

9 AM 1905

CHIEF'S OFFICE

2 CB.WO.KQ. 15 U.S.G.

SECSTATE,  
Washington.

DIPLOMATIC

MAY 29 1905

TELEGRAM RECEIVED  
BUREAU.

ASSISTANT SECRETARY.

MAY 29 1905

From TOKIO,  
(Received 7:43 a.m., May 27, 1905.)

*[Handwritten signature]*

King reports six war-ships passed off Iturup Kurile Islands Thursday,  
bound northwest.

Griscom.



*[Handwritten note:]*  
Dyvis report was  
made in his office  
about 50 pages.

TELEGRAM RECEIVED IN CIPHER.

ASSISTANT SECRETARY,

MAY 29 1905

From

Tokyo, May 27, 1905

Secretary of State,

May 27, 7 p. m. Washington.

Navy Department announce that all the fighting ships of the Baltic fleet were sighted this morning heading for Tsu Shima Strait.

GRISCOM.



phered by the Chief Clerk's Office,

UNITED STATES LEGATION,  
TOKIO.

No. 266.

May 27, 1905.

DIPLOMATIC

JUN 24 1905

BUREAU.



Mr. Griscom to Mr. Hay.

*ack'd June 29  
70  
Mr. Jacob  
June 26, 1905  
File*

FOR RELS. 1905.

Subject:--The Government of the conquered territory in  
Manchuria.



CHIEF CLERK,

JUN 22 1905

Department of State.

**The Assistant Secretary.**

June 23, 1905.

~~Show this to the Secretary.~~

DIPLOMATIC BUREAU.

Copy to the President for his  
information. Ack. and file.

✓ Send copy to the Secretary.

Have two copies  
made. Give me to  
the Secy. [Signature]

UNITED STATES LEGATION,  
TOKIO.

No. 266.

May 27, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to report to you an interview which I had with Baron Komura on the 25th instant, when I requested him to give me some information in regard to the government of the territory in Manchuria occupied or conquered by the Japanese Army, more particularly with respect to the methods of taxation which are now being pursued there.

Baron Komura replied that there were three different kinds of government:

First. In the part of Manchuria which had been leased to Russia. In this district a civil government has been established under the general direction of the Commander-in-Chief of the Japanese Army, and civil officials have been appointed for this purpose.

Second. In the city of Newchwang the Japanese are carrying on practically the same form of government which had been put into operation by Russia previous to the war. The foreign Custom House is in the hands of the regular Imperial Japanese Customs and the duties collected are deposited in the custody of the Yokohama Specie Bank and will ultimately be handed over to the Chinese Government. The native Custom House is in the hands of the Japanese authorities and the duties collected are applied to the general improvement of the city and the conduct of its policing and government

government. The rest of the government of Newchwang is entirely in the hands of Japanese officials, civil and military.

Third. In all the remainder of Manchuria occupied by the Japanese Government and not referred to in the two preceding paragraphs the Chinese Government continues in operation as before the war, excepting that the Japanese military authorities protect their military interests and punish offenders against their necessary military regulations. In each town and city under the control of the Japanese the Chinese Government are carrying on their administrative functions, and there has been no complaint from the Chinese Government with respect to this condition of affairs. Baron Komura added that no taxes are levied by the Japanese authorities in all this part of Manchuria and no part of the taxes collected anywhere in Manchuria is used to defray expenses of Japanese military operations.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

UNITED STATES LEGATION,  
TOKIO.

EXPLANATION  
JUN 28 1905  
BUREAU.

No. X

May 27, 1905.

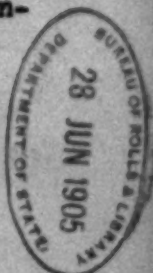


Mr. Griscom to Mr. Hay.

*Send to Mr. Hay  
and deposit at Mr. Hay's  
office  
J. B. S.  
Rec'd  
J. B. S.  
June 27, 1905*

SUBJECT: Transmitting two copies of a new map of Manchuria.

*one copy in Mr. Hay's  
office  
J. B. S.*



CHIEF CLERK.  
JUN 23 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. X

May 27, 1905.

To the Honorable John Hay,  
  
Secretary of State,  
  
Washington.

S i r :

I have the honor to transmit herewith enclosed  
  
two copies of a new map of Manchuria, which will doubtless  
  
be found very useful in watching the operations of the  
  
present war.

I have the honor to be,

Sir,

Your obedient servant,

*Lopez Ariscan.*

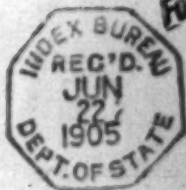
ENCLOSURE: Two copies of a map of Manchuria.

UNITED STATES LEGATION,  
TOKIO.

DIPLOMATIC  
JUN 24 1905  
BUREAU.

No. 267.

May 27, 1905.



For. Rel. 1906.

To Librarian  
of Congress  
June 20, 1905

8 E

To General E. Reibel  
June 21, 1905

True  
J.P.  
Answered by tel  
and by mail  
Aug 7  
H.B.

Mr. Griscom to Mr. Hay.

SUBJECT: Copyright Convention - confirming telegrams  
and transmitting copy of articles proposed by the Japanese  
Government.



CHIEF CLERK,  
JUN 22 1905  
Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 267

May 27, 1905.

The Assistant Secretary.

June 23, 1905.

DIPLOMATIC BUREAU.

Usual course.

Mark second par.

~~confidential~~

Copy all to Submarine  
of Congress, calling  
attention to copy  
desired part and  
requiring his view  
for the draft. J.S.

re of the United States  
t with the Government  
ave the honor to re-  
with Baron Komura, the  
ally on February 16th  
ment would be willing  
with the United States  
uld not apply to trans-  
pply only to books  
tion of the convention.

He also stated that his Government would prefer a convention of a nature requiring ratification and he gave me confidentially his reasons that under the law of Japan a convention requiring ratification can be negotiated and signed by the Minister for Foreign Affairs before it has been submitted to the Privy Council for approval. On the other hand, an agreement which does not require ratification must first be submitted to the Privy Council and approved before it can be signed. In view of the fact that a copyright convention is a matter which would be extremely unpopular in Japan and would meet with much opposition if opportunity were given before its signature, Baron Komura considers it most essential that the agreement with the United States should be in the form of a convention requiring ratification. I informed Baron

Komura

UNITED STATES LEGATION,  
TOKIO.

No. 267.

May 27, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

On the subject of the desire of the United States Government to enter into an agreement with the Government of Japan in regard to copyright, I have the honor to report that after repeated interviews with Baron Komura, the Minister for Foreign Affairs, he finally on February 16th gave me an assurance that his Government would be willing to enter into a copyright agreement with the United States on two conditions; first, that it would not apply to translations, and second, that it would apply only to books published after the date of ratification of the convention.

He also stated that his Government would prefer a convention of a nature requiring ratification and he gave me confidentially his reasons that under the law of Japan a convention requiring ratification can be negotiated and signed by the Minister for Foreign Affairs before it has been submitted to the Privy Council for approval. On the other hand, an agreement which does not require ratification must first be submitted to the Privy Council and approved before it can be signed. In view of the fact that a copyright convention is a matter which would be extremely unpopular in Japan and would meet with much opposition if opportunity were given before its signature, Baron Komura considers it most essential that the agreement with the United States should be in the form of a convention requiring ratification. I informed Baron

Komura

*Confidential*  
Komura that I would submit these conditions to you for consideration. \* \*

Immediately upon receipt of this information I sent you a telegram, which I now have the honor to confirm, reading as follows: [Supra]

"Secstate, Washington. February 16.

"The Minister for Foreign Affairs informs  
"me the Japanese Government is willing to enter into  
"a copyright convention with the United States pro-  
"vided the copyright does not apply to translations  
"or to books published before the date of ratifica-  
"tion of the convention".

"Griscom".

I observe that in the confirmation by the Department of the above telegram dated February 21st, the word "received" is used instead of "published". This message was correct when sent from the Tokio telegraph office. I hope a correction will be made on the records of the Department.

*Correct  
has been  
made*

On the 24th of March I received your telegram reading as follows:

"Endeavor to have provision made in copy-  
"right convention for protection of all books from  
"the day of its going into effect, and stipulating,  
"on behalf of the Japanese publishers, that stock on  
"hand at such date shall be allowed to be disposed of,  
"with the understanding that no further reproductions  
"shall be printed.

"If this cannot be procured, agree to con-  
"vention as proposed by Japanese Government in your  
"telegram of February 16".

On March 28th, in the absence of Baron Komura,

I called upon Mr. Chinda, the Vice Minister for Foreign Affairs, and informed him that our Government was willing to accept the condition that the copyright should not apply to translations but that we desired a provision made in the convention for the protection of all books from the day of its going into effect, and stipulating on behalf of the Japanese publishers that stock on hand at such date should be allowed to be disposed of, with the understanding that no further reproductions should be printed. I supported this proposition with all the available arguments and rehearsed the history of our efforts to bring about a copyright agreement and recounted anew the hardships which had been inflicted upon American publishers. Mr. Chinda argued the matter at considerable length and seemed to be convinced that his Government would be unable to accede to such a modification of the second condition proposed by them. He stated, however, that the matter would be taken under advisement and an answer given me as quickly as possible.

The Japanese Government held the matter under advisement for a period of one month and on April 27th Baron Komura informed me that his Government had carefully considered the suggestion that the second condition be modified as explained by me to Mr. Chinda but that it was impossible for them to consent to such modification and that if any copyright agreement be entered into between Japan and the United States it must be subject to the conditions explained to me on February 16th, namely, that the copyright must not apply to translations or to books published before the ratification of the convention. He added that the Japanese Government had no desire to enter into a copyright agreement and their willingness to enter

into

into even a conditional convention was solely due to their desire to meet the wishes of the American Government in a friendly spirit.

On the 11th instant I called upon Baron Komura and asked him to give me in writing the articles which the Japanese Government desired inserted in a copyright convention to cover the two conditions upon which they insisted with regard to translations and books published before the ratification of the treaty. Baron Komura expressed his readiness to put the articles in writing and promised that he would send them to me as soon as possible.

On the same occasion I also informed Baron Komura that there had been many complaints that the Japanese reproductions of American copyrighted books had been exported from Japan and sold in China, Korea and even in Hawaii and California. I asked him if, in the event that our Government agreed to a convention on the lines proposed by Japan, the Japanese Government would on their part agree to prohibit hereafter the export from Japan of reproductions of American works which, by reason of previous publication, would not come under the proposed convention. He replied that he felt sure the Japanese Government would consider favorably such a prohibition but that it would be necessary to change the tariff law of Japan, and for this purpose a law would have to be passed by the Diet, but he assured me that the Japanese Government would be disposed upon the signing of the convention to take the matter up with a view to bring about the enactment of such a prohibition.

On May 15th I received from the Minister for Foreign Affairs a typewritten memorandum, copy of which I transmit to you herewith enclosed, containing three arti-

cles proposed by the Japanese Government to be inserted in a copyright convention. It will be seen that the proposed articles provide for the exchange of national treatment on the subject of copyright, subject to the condition that subjects or citizens of one of the two high contracting parties may, without authorization, translate books, pamphlets or any other writings, dramatic works, and musical compositions published in the dominions of the other by the subjects or citizens of the latter, and print and publish such translations.

Article three provides for the ratification and taking effect of the convention and states that it shall be applicable only to such works as shall be published after it shall have come into operation.

I may suggest to the Department that Article two as proposed fails to specify that it refers only to translations from the Japanese into the English language, and from the English into the Japanese language. Also, it is difficult to see why the convention should not go into operation immediately upon the exchange of ratifications rather than at the expiration of six months as suggested.

A convention such as proposed by Japan would seem to grant copyright in the United States to Japanese subjects irrespective of Section 13 of the Act of Congress, March 3rd, 1891.

Owing to the slight error in transmission which crept into my telegram to you of February 16, as reported above, I have refrained from definitely accepting the Japanese proposals until in receipt of your further instructions.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

Enclosure with Mr. Griscom's No. 267, of May 27, 1905.

C O P Y .

Article I. The subjects or citizens of one of the High Contracting Parties shall enjoy in the dominion of the other, the protection of copyright for their works of literature and art as well as photographs, against illegal reproduction, on the same basis on which protection is granted to the subjects or citizens of the other, subject however to the provisions of Article II of the present Convention.

Article II. The subjects or citizens of one of the two High Contracting Parties may without authorization translate books, pamphlets or any other writings, dramatic works, and musical compositions published in the dominions of the other by the subjects or citizens of the latter, and print and publish such translations.

Article III. The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Tokio as soon as possible. It shall come into operation at the expiration of six months from the date of the exchange of its ratifications, and shall be applicable to such works only as shall be published after it shall have come into operation. Either of the Contracting Parties shall have the right, at any time, to give notice to the other of its intention to terminate the present Convention, and at the expiration of three months after such notice is given this Convention shall wholly cease and determine.

TELEGRAM RECEIVED IN CIPHER BUREAU.

DIPLMATIC  
MAY 29 1905

From TOKIO,

Received May 28, 1905,

5:23 a. m.

Secretary of State,  
Washington.

May 28, 10 a. m.

*Copy  
3/21/17*  
*John S. G.*  
ASSISTANT SECRETARY,

MAY 29 1905

Japanese Navy Department informs me that  
the Baltic fleet sank an American merchant vessel  
near Formosa about the 20th instant.

G R I S C O M.



phered by the Chief Clerk's Office,

May 28, 1905. C.C.'s Office.

11:50 a. m.

1/P

TELEGRAM RECEIVED.

479  
BUREAU  
JUN 1 1905

From Tokio

May 29 1905.  
9.59 A.M.

See State,

and  
6/1/05  
file

Wash.

ASSISTANT SECRETARY,  
MAY 31 1905

Twenty ninth Tokyo report  
Total Russian losses  
Saturday & Sunday sunk  
following Two battleships  
one coast defender five  
cruisers two special  
service ships & three  
destroyers Captured following  
two battleships two

TELEGRAM RECEIVED.

From \_\_\_\_\_,  
\_\_\_\_\_, 1905.

Received \_\_\_\_\_ M.

(2)

Coast defense one special  
service one destroyer  
Over 2000 prisoners  
Japanese squadron  
undamaged

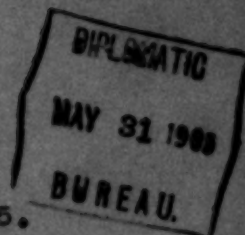
Griseom

CHIEF CLERK'S OFFICE

MAY 29 10 10 AM '05

DEPARTMENT OF STATE

282.  
TELEGRAM RECEIVED IN CIPHER.



*Copy 6/11 ✓*  
*From* Tokio, May 29, 1905.

(Received 4:05 a.m.)

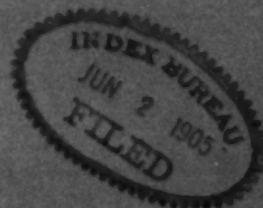
*File 4/11*  
Secretary of State,  
Washington.

ASSISTANT SECRETARY,

MAY 31 1905

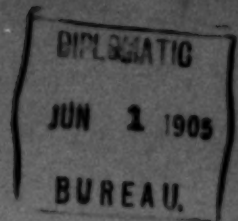
May 29. Admiral Toga reports the ~~result of fighting~~  
Saturday afternoon and night. His fleet sank one battle  
ship Borodino class and four other large Russian naval vessels  
and captured two or three more. All large Japanese naval  
vessels escaped serious injury. The battle continued Sunday.  
Details unknown, but general result great Japanese victory.

G R I S C O M .



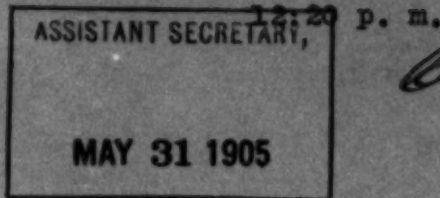
iphered by the Chief Clerk's Office,

TELEGRAM RECEIVED IN CIPHER.



From TOKIO,.

Received May 29, 1905,



*Copy  
6/1/05  
[Signature]*

Secretary of State,  
Washington.

May 29, 5 p. m.

Japanese Navy Department inform me that  
the ship sunk near Formosa, referred to in my tele-  
gram of yesterday, proves to be British.

G R I S C O M.

*Deso.*



phered by the Chief Clerk's Office, May 29, 1905. 12:35

*6/11 D*

TELEGRAM RECEIVED.

*EC*

PO HS GI 26 Govt.

*EC*

From

*Tokio 30*

ASSISTANT SECRETARY,

MAY 31 1905

Secstate,

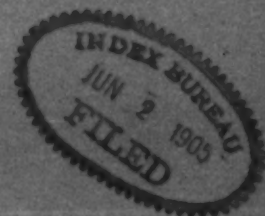
Washington.

Thirtieth. Officially announced all Russian battleships have been  
sunk except Orel and Nicholas First which were captured. Admirals  
Rojestvensky, Volkershim and Niebagatoff prisoners.

Griscom.

Received May 30--2:05p

*File  
Syp*



TELEGRAM.

Postal.

CB DO JM 50 U.S.G.

Tokyo

State,

Washington.

White House,  
Washington.

DIPLOMATIC

JUN 1 1905

BUREAU

ASSISTANT SECRETARY,

JUN 1 1905

*[Handwritten signature]*

Thirty-first? Officially reported in addition to main force most second  
ass cruisers and subsidiary vessels destroyed so that whole Russian fleet  
practically annihilated. Cruisers Aurora and Almaz hitherto unreported probably  
sunk. Japanese torpedo operations most successful, sinking majority large vessels.  
at during battle prevented comprehensive report.

Griscom.

c'd. May 31, 1905, 4:57 p.m.



DEPARTMENT OF STATE  
JUN 1 9 12 AM 1905  
CHIEF CLERK'S OFFICE

To Mr 28 Fort  
TELEGRAM RECEIVED.

DIPLOMATIC

JUN 1 1905

BUREAU.

6/1/05  
6/1/05  
6/1/05

From Tokio

May 31, 1905.

12:40 P.M.

ASSISTANT SECRETARY,  
RECORDS

MAY 31 1905

Due State

Wash

Thirty first x Rodjstrensky Seriously

Wounded, hospital Saebo x Two

Russian hospital ships Captured, suspected

taking part, strategically & Caught Saebo,

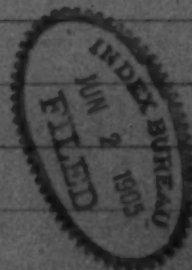
Russian officers will be released

parole Grison

DEPARTMENT OF STATE

MAY 31 12 46 PM 1905

CHIEF CLERK'S OFFICE



DEPARTMENT OF STATE

12 21 PM 1905

CHIEF OF OFFICE

TELEGRAM RECEIVED

DIPLOMATIC

MAY 31 1905

ASSISTANT SECRETARY

MAY 31 1905

1905

Received

M.

From

Tokio

Sec State

Wash.

May 31 11 D

J. H. G. S.

Thirty first x Rojestvensky  
skull fractured, requiring  
operation; serious but  
not dangerous. Total  
Japanese losses to date  
three torpedo boats sunk;  
three officers killed; about  
200 men killed and disabled.

Grison

UNITED STATES LEGATION,  
TOKIO.

DIPLOMATIC

JUN 24 1905

BUREAU.

No. 268.

May 31, 1905.



*Copy to Mr. Hay  
J. B. B.  
Acis  
to Mr. Hay  
26 1905  
[Signature]*

Mr. Griscom to Mr. Hay.

Subject:- Specimens of Japanese military equipment for the  
Philippines Constabulary.



CHIEF CLERK,

JUN 22 1905

Department of State.

UNITED STATES LEGATION,  
TOKIO.

No. 268.

May 31, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 114 of March 31, with an enclosure from the War Department, directing me to endeavor to obtain from the Japanese War Office certain articles of equipment requested by the Philippines Constabulary.

The Japanese Government having complied with this request, I have shipped to Brigadier General Allen, Chief of the Philippines Constabulary, one field cart, one complete outfit for packing animal, one mess tin, and one water bottle. These articles, which were desired for trial, are presented by the Minister for War.

From informal inquiries at the War Office I believe that if, after trial, the Constabulary should wish to procure a quantity of these articles arrangements could be made to purchase them.

I have the honor to be,

Sir,

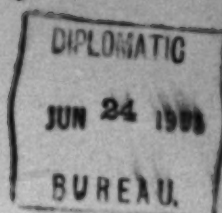
Your obedient servant,

*Lopez Ariscan.*

UNITED STATES LEGATION,  
TOKIO.

No. #.

June 1, 1905.

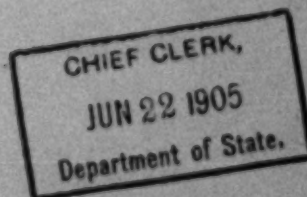


*McVay  
ack B.*

*sent  
to Navy  
June 16, 1905  
[Signature]*

Mr. Griscom to Mr. Hay.

Subject:- Mr. King's report on naval activity in Tsugaru  
Straits.



UNITED STATES LEGATION,  
TOKIO.

No. X

June 1, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to enclose herewith a copy of a despatch from Mr. King, American Consular Agent at Hakodate, on the subject of the naval activity on the coasts of his district and the laying of mines in Tsugaru Straits. A diagram of the mined area is included.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom*

Enclosure:

Mr. King to Mr. Griscom, May 27, --copy.

Enclosure No. / with Mr. Griscom's No. X , of June / 1905.

C O P Y .

No. 226.

27th May, 1905.

H. E. Lloyd C. Griscom,

American E. E. and M. P. to Japan.

Sir:

I have to confirm the following telegram sent to you this morning:-

"Griscom Tokio"

"Telegram from Rubetsu, Iterup, reports two funnel warship passed thursday morning bound northwest. Thursday afternoon five more warships passed. At present thick fog. King".

These ships were sighted off Furubetsu on the north eastern end of the island, and the information had to be first sent by carrier to Rubetsu where there is a telegraph station.

The "Nippon Maru", "Hongkong Maru", "Karasaki Maru", and "Toyoshima Maru", converted cruisers have been here all this month, leaving every morning and returning at night, and during the day they have been apparently laying mines.

Yesterday the "Nippon" and "Karasaki Maru" took on board a large number of mechanical mines, cone shaped, about four feet in diameter, and these I understand are to be set adrift in the track of the Russian ships should they attempt to come through Tsugaru Straits.

From information received from Otaru, I hear that the "Sado" and "Bingo Maru" have been employed the same way in La Perouse Straits.

The mined area in Tsugaru Straits in according to the following limits:- On the East: a line drawn from Cape

Blunt

Blunt to Benten Shima. On the South: a line drawn across the entrance to Aomori Bay. On the West: a line drawn from Shirakami to Tapsuki Saki. On the North: a line drawn across the entrance to Hakodate Harbor.

No vessels are allowed to navigate inside of the above described limits after sunset, nor will they be allowed to enter inside of the lines unless they have sufficient time to reach port before sunset. Neither will they be allowed to leave Hakodate, unless they have sufficient time to get outside of the mined area before sunset.

During the past month, all steamers that had not left the harbor by three P. M. were detained until the following morning.

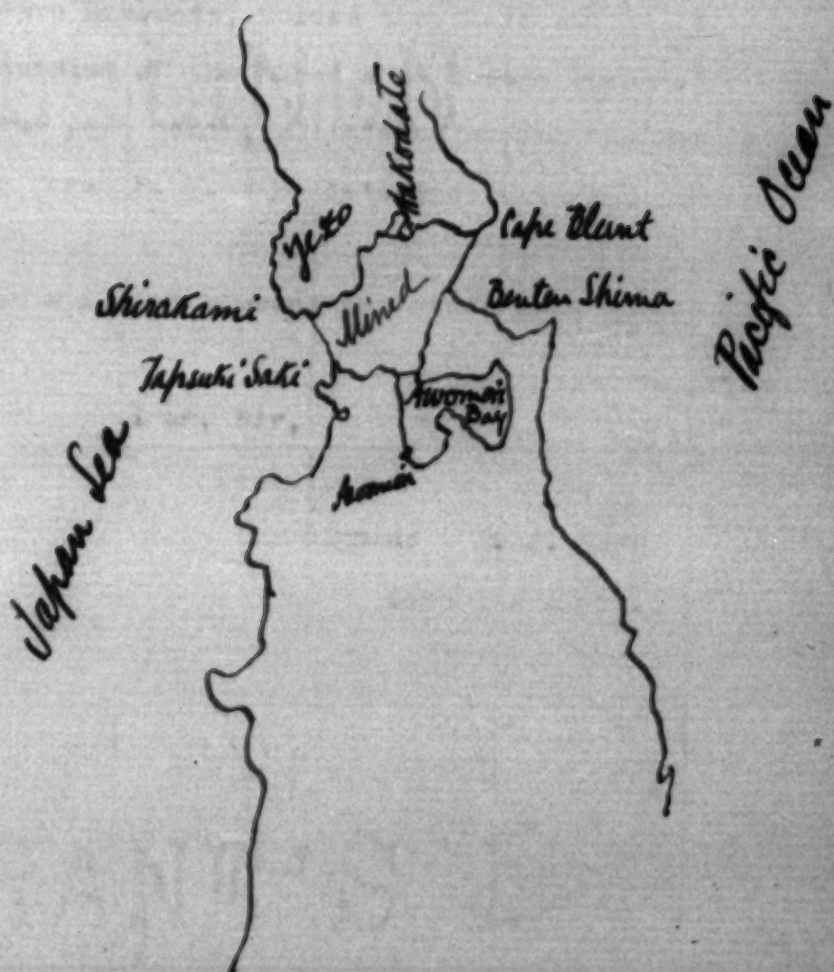
I enclose a sketch showing the mined area in Tsugaru Straits.

I am, Sir,

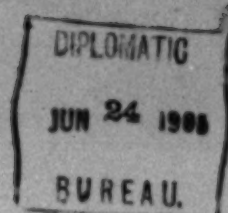
Your obedient servant,

Signed: E. J. King

Consular Agent.



UNITED STATES LEGATION,  
TOKIO.



No. *X*

June 1, 1905.

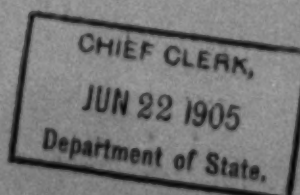


*Howland*  
*June 26, 1905*  
*[Signature]*

Mr. Griscom to Mr. Hay.



Subject:-- Lieut. Colonel McClernand, U.S.Army, has arrived  
and has started for the front.



UNITED STATES LEGATION,  
TOKIO.

No. 7

June 1, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to acknowledge the receipt of instruction No. 116 of April 3, informing me that Major Edward J. McClernand, General Staff, Army of the United States, has been designated as Military Attache to this Legation and as Observer with the Japanese Armies in the Field, replacing Colonel E.H. Crowder.

I am informed that since the date of the above instruction Major McClernand has been promoted to the rank of Lieutenant Colonel. He sailed from Japan for the front, together with Captain Pershing, on May 30th.

I have the honor to be,

Sir,

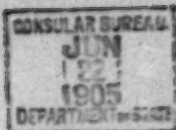
Your obedient servant,

Lloyd Garrison.

UNITED STATES LEGATION,  
TOKIO.

File.

No. 7



June 1, 1905.

Mr. Griscom to Mr. Hay.

Subject:- Mr. Henry B. Miller formally recognized as Consul General of the United States at Yokohama.



UNITED STATES LEGATION,  
TOKIO.

No. ~~X~~

June 1, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 120 of April 17 enclosing the commission of Henry B. Miller, of Oregon, as Consul General of the United States at Yokohama.

Mr. Miller has been recognized in his official capacity by the Japanese Government and entered upon the duties of his post to-day.

I have the honor to be,

Sir,

Your obedient servant,

*L. McKim*

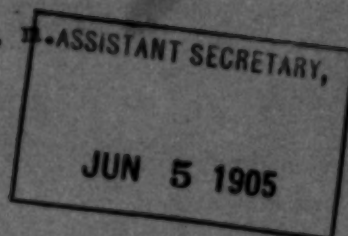
*6072*  
*1/1/10*  
TELEGRAM RECEIVED IN CIPHER.



*From* TOKIO,

Received June 1, 1905,

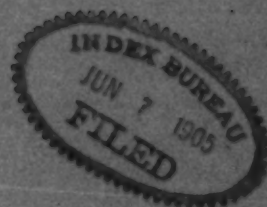
10:20 a. m. ASSISTANT SECRETARY,



Secretary of State,  
Washington.

June 1, 1 p. m. All my information indicates  
military expedition will leave for Sakhalien.

GRISCOM.



Entered by the Chief Clerk's Office,

June 2, 1905. 10:05 a. m.

TELEGRAM RECEIVED.

DIPL. BUREAU

JUN 5 1905

BUREAU.

*From*

*Tokio*

*June 1, 1905.*

*10 40 AM*

RECEIVED  
ASSISTANT SECRETARY,

JUN 5 1905

*Sec State,*

*Wash.*

*June first - Officially*

*announced Admiral*

*Volkersham was killed,*

*not captured, as reported*

*in my telegram thirtieth*

*May*

*Griffin*

DEPARTMENT OF STATE

JUN 1 10 44 AM 1905

CHIEF CLERK'S OFFICE

INDEX BUREAU  
JUN 7 1905  
FILED

UNITED STATES LEGATION,  
TOKIO.



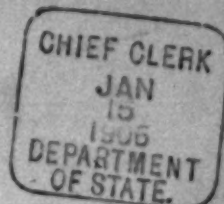
No. 269.

June 2, 1905.

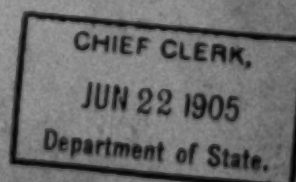


*Bureau of Accounts  
Ans'd July 14-1905*

Mr. Griscom to Mr. Hay.



Subject:-- Acknowledging instruction No. 122 of May 3  
relating to contingent expenses.



UNITED STATES LEGATION,  
TOKIO.

No. 269.

June 2, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to acknowledge the receipt of instruction No. 122 of May 3rd on the subject of the contingent expenses of this Legation. In this connection I have the honor to state that, while every effort has been made to reduce the running expenses of the Legation to the lowest possible amount compatible with efficient service, the unusual conditions existing in Japan during the last year have involved an expenditure so much in excess of that of ordinary times, with so many unforeseen demands, that no economy in the distribution of the funds at the Legation's disposal has been able to meet it. If the present disturbed condition of affairs should unfortunately continue I earnestly hope the Department may find it possible to increase the contingent allowance of this Legation for the ensuing year.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

UNITED STATES LEGATION,  
TOKIO.

No. 270



Mr. Griscom to Mr. Hay.

June 2, 1905.



*To Army  
Medical Museum  
of Libong Jan. 17  
To Dr. Levenson  
June 26, 1905  
file*

*To Dr. M. B. Garrison  
1905 Nov 27  
J. C.*



*15 volumes in library.*

*non*

*Withdrawn. 7/6/06. WLD*

Subject:- Vital statistics for Dr. Levenson.



CHIEF CLERK,  
JUN 22 1905  
Department of State.

Inform Dr. Levee of the  
receipt of these statistics,  
describing them. Add that  
as the publications are not  
easy to obtain, and contain  
information which may be  
called for again at any  
time, the Dept. will lend  
them to him, if he will  
promise to return them in  
order that they may be kept  
for future reference.

P. S.

UNITED STATES LEGATION,  
TOKIO.

No. 270

June 2, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 112, of March 23, directing me to endeavor to procure certain vital statistics for the use of Dr. Levenson, a copy of whose letter to the Department accompanied the instruction.

The Department of Home Affairs sent me the *Resumé Statistique de l'Empire du Japon* for the years 1888, 1892, 1893, 1894, 1896, 1897, 1898, 1901, 1902, 1903, 1904, and 1905, which they say contain, among other materials, the only statistics of the kind that they have.

For vital statistics respecting the Navy, the Ministry of Marine have presented to the Legation the Annual Report of the Health of the Imperial Navy, complete for the years 1887 to 1903, all in English except two numbers.<sup>x</sup>

The War Office were able to give their corresponding reports only for the years 1902, 1903, and 1904, printed in Japanese. Dr. Levenson will doubtless be able to get them translated.

Since these publications are not easy to obtain, and they contain information which may be called for again at any time, I venture to suggest that the Department lend

them

<sup>x</sup> These two numbers, in Japanese, were returned by Dr. M. R. Levenson, about Nov. 13, 1905. - See letter to him signed by Chief Clerk, dated Nov. 10/1905, and Nov. 27, 1905. - J. T. C.

Returned to  
Asst. Sec. Dr. Levenson,  
about Nov. 13, 1905. - J. T. C.

Returned to  
Asst. Sec. Dr. Levenson,  
about Nov. 13, 1905. - J. T. C.

These in English  
returned July 26:  
not by -

-2-

them to Dr. Levenson with the request that he return them in order that they may be kept for future reference.

The reports are forwarded herewith under separate cover, and I trust they may be found to contain the statistics desired.

I have the honor to be,

Sir,

Your obedient servant,

*Lynd C. Siskin.*

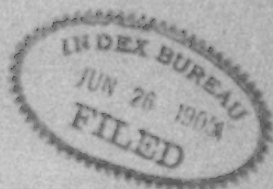
UNITED STATES LEGATION,  
TOKIO.

No. 271.

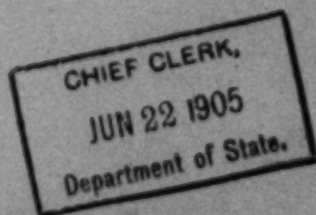
June 2, 1905.



Mr. Griscom to Mr. Hay.



Subject:- Alleged sinking of American vessel near Formosa.



UNITED STATES LEGATION,  
TOKIO.

No. 271

June 2, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to confirm, as appended herewith on the overleaf, my two telegrams of the 28th and 29th ultimo respectively in relation to the alleged sinking of an American merchants vessel near Formosa. In explanation of the above messages I may state that on the morning of May 28th I received from Vice Admiral Ijuin, Chief of Staff of the Japanese Navy, a letter, copy of which is enclosed herewith, informing me that his Department were in receipt of positive information that the Baltic Fleet had sunk an American vessel near Formosa between May 20th and May 22nd. On the following day I received another letter from Vice Admiral Ijuin, copy of which is likewise enclosed herewith, informing me that he was in receipt of later information to the effect that the ship sunk near Formosa appears to be British.

It has since developed that the ship in question was the "Oldhamia" and that she contained a cargo of kerosene oil belonging to the Standard Oil Company of America. Some of the officers of the "Oldhamia" were found on board of one of the two Russian hospital ships which are detained by the Japanese as reported in my telegram of May 30th, on suspicion of having taken a strategic part in the naval operations, but as yet there still seems to be some doubt as to the fate of the ship and cargo.

I have the honor to be,

Sir,

Your obedient servant,

Lloyd Garrison.

"Secstate Washington.

"May 28, 10 A. M. Japanese Navy Department informs me that the Baltic Fleet sank an American merchant vessel near Formosa about the twentieth instant".

"Griscom",

"Secstate Washington.

"May 29, 5 P. M. Japanese Navy Department inform me that the ship sunk near Formosa referred to in my telegram of yesterday proves to be British".

"Griscom".

Enclosure No. 1, with Mr. Griscom's No. 271, of <sup>June 2</sup>~~May 31~~, 1905.

C O P Y .

May 28, 1905.

His Excellency

Mr. Griscom,

The American Minister.

Monsieur le Ministre,

I have the honor to inform you that we obtained an authenticated report that the Russian Squadron sank an American steamer near Formosa. In regard to its details I shall have another occasion to report to Your Excellency as soon as the investigation is made.

Yours respectfully

Signed: Ijuin Gore

Enclosure No. 2, with Mr. Griscom's No. 291, of <sup>June 2</sup>~~May 31~~, 1905

C O P Y .

May 29, 1905.

His Excellency

Mr. Griscom,

The American Minister.

Monsieur le Ministre,

I have the honor to say that the ship which was sunk near Formosa by the Russian Squadron was found to be an English ship instead of an American after further investigation. We therefore nullify the statement we made yesterday.

Yours respectfully

Signed: Ijuin Goro

UNITED STATES LEGATION,  
TOKIO.

No. 272.

June 2, 1905.



*70  
war, Navy  
June 26, 1905  
RCS  
M.J.*

Mr. Griscom to Mr. Hay.

Subject:- Confirming telegram relating to Saghalien expedi-  
tion.



UNITED STATES LEGATION,  
TOKIO.

No. 272

June 2, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to confirm my cipher telegram  
of the 1st instant reading as follows:

"Secstate Washington.

"June 1, 1 P.M. All my information indi-  
cates military expedition will shortly leave for  
"Saghalien".

"Griscom".

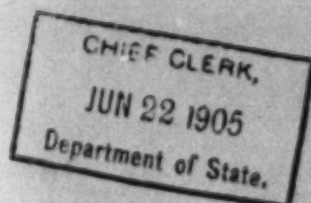
In explanation of the above message I may state  
that several high Japanese officials have informed me per-  
sonally that the attention of the Japanese military and  
naval authorities would now be turned to taking the Island  
of Saghalien and elaborate preparations for this expedition  
are now under way. It is currently reported in official  
circles that the Japanese Government consider that if in  
possession of the Island of Saghalien their position in  
any possible peace negotiations would be much stronger,  
Although this information is unofficial it may be consid-  
ered reliable.

I have the honor to be,

Sir,

Your obedient servant,

*Lep McInerney*



UNITED STATES LEGATION,  
TOKIO.

No. 273

June 2, 1905.

CH. LOMATIG

JUN 24 1905

BUREAU.



*Acct's  
June 24 1905  
Spec'd*

Mr. Griscom to Mr. Hay.

Subject:- Battle of the Sea of Japan,--confirming telegrams



UNITED STATES LEGATION,  
TOKIO.

No. 273.

June 2, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to confirm my telegrams of May 27th, 29th, 30th and 31st, and June 1st, copies of which are enclosed herewith, in relation to the recent great naval battle in the Sea of Japan.

There is little to add in explanation of these messages beyond stating that in every case I had my information from official sources and refrained from telegraphing the many exaggerated rumors which were current during the whole period of the battle. The results of this battle will inevitably be so momentous that it is impossible at the present moment to fully estimate them. The Japanese Government and people are naturally elated over the result, but not unduly so if one may judge from the visible and outward signs. The demonstration which took place yesterday in Tokio in celebration of the victory was extremely soberly conducted and while enthusiastic was calm throughout. However, for the first time since the beginning of the war the natural tendency of the Japanese to conceal their emotions has been overcome and individuals high and low give free vent to their elation and satisfaction. Certainly it may be said that there is nothing in the conduct of the Japanese people in the face of a great victory to indicate that they are carried away by success. The desire for peace is universal and whatever cravings for martial glory have hitherto existed

in

in the nation seem to be thoroughly satiated. The hopes of peace are greatly strengthened, but nevertheless military preparations are proceeding apace and it is generally understood, as reported to you in my No. 272, of June 2nd, a military and naval expedition is under preparation to seize the Island of Saghalien.

A subject of particular interest to the nations of the world at present is the question whether Japan will be led by her successes to increase her terms of peace. In an interview with Baron Komura a few days before the battle he informed me that the policy of Japan throughout this war had been, and would continue to be one of moderation. He stated that on the general subject of the terms of peace Japan would ask only such concessions from Russia as seemed necessary to protect the Japanese Empire and secure as far as possible a lasting peace in the Far East. It is sincerely to be hoped that Japan though flushed by success will adhere to the policy of moderation set forth by Baron Komura.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

Enclosure: Copies of telegrams of May 27th, 29th, 30th and 31st, and June 1st.

5

Enclosure with Mr. Griscom's No. 277, June 2, 1905.

Telegrams regarding the Battle of the Sea of Japan.

Telegram sent May 27, in cipher.

Secstate, Washington.

May 27, 7 p.m. Navy Department announce that all the fighting ships of the Baltic Fleet were sighted this morning heading for Tsushima Strait.

Griscom.

Telegram sent May 27, in cipher.

Secstate, Washington.

May 27, 10 p.m. Announced officially Japanese fleet engaged Baltic squadron in Tsushima Straits this afternoon. Heavy cannonading heard from shore.

Griscom.

Telegram sent May 27, open.

Secstate, Washington.

King reports six warships passed off Iterup, Kurile Islands Thursday, bound northwest.

Griscom.

Telegram sent May 29, in cipher.

Secstate, Washington.

May 29, 10 a.m. Admiral Togo reports the result of fighting Saturday afternoon and night his fleet sank one battleship Boredino class and four other large Russian naval vessels and captured two or three more. All large Japanese

Japanese naval vessels escaped serious injury. The battle continued Sunday. Details unknown, but general result great Japanese victory.

Griscom.

Telegram sent May 29, open.

Secstate, Washington.

Twenty-ninth. Togo reports total Russian losses Saturday and Sunday, sunk following:- two battleships, one coast defender, five cruisers, two special service ships, and three destroyers, captured following:- two battleships, two coast defense, one special service, one destroyer, over 3000 prisoners. Japanese squadron undamaged.

Griscom.

Telegram sent May 30, open.

Secstate, Washington.

Thirtieth. Officially announced all Russian battleships have been sunk except Orel and Nicholas First, which were captured. Admirals Rojestvensky, Velkersham, and Niebagatoff prisoners.

Griscom.

Telegram sent May 31, open.

Secstate, Washington.

Thirty-first. Rojestvensky seriously wounded hospital Sasebo. Two Russian hospital ships captured, suspected taking part strategically, brought Sasebo. Russian officers will be released on parole.

Griscom.

Telegram sent May 31, open.

Secstate, Washington.

Thirty-first. Rojestvensky's skull fractured, requiring operation, serious but not dangerous. Total Japanese losses to date three torpedo boats sunk, three officers killed, about 200 men killed and disabled.

Griscom.

Telegram sent May 31, open.

Secstate, Washington.

Thirty-first. Officially reported in addition to main force most second class cruisers and subsidiary vessels destroyed so that whole Russian fleet practically annihilated. Cruisers Aurora and Almaz hitherto unreported probably sunk. Japanese torpedo operations most successful, sinking majority large vessels. Mist during battle prevented comprehensive report.

Griscom.

Telegram sent June 1, open.

Secstate, Washington.

June first. Officially announced Admiral Volkersham was killed not captured as reported in my telegram thirtieth May.

Griscom.

*Msmt*

TELEGRAM RECEIVED.

*file*

GPO. C. RA. 28- U. S. G.

Tokio, (Received June 9, 1905, 8:55 p.m.) *From*

SecState,  
Washington.

DIPL. ST. BUREAU  
JUN 12 1905  
ASSISTANT SECRETARY, 903

Ninth. Your telegram of the morning of the eighth received eight p.m. today and presented to the Japanese government at eleven p.m. Answer follows tonight.

Griscom.



DEPARTMENT OF STATE

JUN 10 10 16 AM 1905

CHIEF CLERK'S OFFICE

*Arch June 13 1905*



CHIEF CLERK'S OFFICE

JUN 10 9 35 AM 1905

DEPARTMENT OF STATE

TELEGRAM RECEIVED IN CIPHER.



From TOKIO,

Received June 10, 1905,

12:40 a. m.

Secretary of State,

Washington.

June 10, 1 a. m. The Minister for Foreign Affairs has handed me the following answer to the despatch embodied in your telegram of the 8th instant: "The Imperial Government has given to the suggestion of the President of the United States embodied in the note handed to the Minister for Foreign Affairs by the American Minister on the 9th instant, the very serious consideration to which, taking into consideration its source and its import, it is justly entitled. Desiring in the interest of the world as well as the mutual interest of Japan and Russia the re-establishment of peace with Russia on terms and conditions that will fully guarantee its stability, the Imperial Government will, in response to the suggestion of the President, appoint plenipotentiaries of Japan to meet plenipotentiaries of Russia at such time and place as may be found to be mutually agreeable and convenient for the purpose of negotiating and concluding terms of peace directly and exclusively between the two belligerent powers."

Deciphered by the Chief Clerk's Office,

G R I S C O N.

June 10, 1905. 9.50 a.m.



ASSISTANT SECRETARY,

TELEGRAM RECEIVED IN CIPHER JUN 10 1905

From TOKIO,

Received June 10, 1905,

12:10 p. m.

Secretary of State,  
Washington.

*Recd June 10, 1905*  
*File*  
June 10, 1905. Your two important telegrams of the 8th reached here delayed about twenty hours in transmission. The first arrived six hours after the second.

G R I S C O M.

phered by the Chief Clerk's Office,

June 10, 1905. 12:25 p. m.

UNITED STATES LEGATION,  
TOKIO.



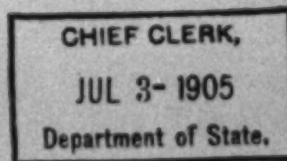
No. 274.

June 10, 1905.

*Handwritten notes:*  
JUL 3 1905  
JUL 6 1905  
JUL 8 1905



Mr. Griscom to Mr. Hay.



SUBJECT:- Confirming telegrams of June 8th, 9th and 10th  
relating to peace negotiations.



UNITED STATES LEGATION,  
TOKIO.

No. 274.

June 10, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to confirm an exchange of telegrams between the Department and this Legation of the 8th, 9th and 10th instant, copies of which are enclosed herewith, in relation to the President's proposal to Japan and Russia that negotiations be entered into directly between the two belligerent countries with a view to bringing about peace.

The telegrams sent by you were not received by me in the order sent and were all apparently delayed in transmission from fifteen to twenty hours. I have confirmed these telegrams, as enclosed, in the order received by me. The first of your messages reached me at two o'clock on the 9th instant to the effect that you wished to be informed without delay when I had presented your previous cablegram to the Japanese Government. Shortly thereafter Baron Komura sent for me and in an interview explained to me that Mr. Takahira had telegraphed an account of an interview with the President on the evening of the 7th instant when the President asked Mr. Takahira if Japan would be willing to appoint Plenipotentiaries to meet with Russian Envoys similarly appointed to discuss terms of peace. The President having informed Mr. Takahira that identical instructions would be sent to our Ambassador in St. Petersburg and to me, Baron Komura in-

quired

quired if I had received such instructions. I informed him that probably owing to some delay in transmission the telegram in question had not reached me but that I had heard from you that an important message was on the way and that as soon as it was received I would address him a note in accordance with my instructions. He promised me that in order to save time the messenger who took my note to the Foreign Office would be handed the Japanese reply thereto, to be at once telegraphed to Washington. Beyond this Baron Komura did not discuss the subject.

At eight o'clock that evening, or six hours after the receipt of your first telegram, I received your important message containing the instructions to be delivered to the Japanese Government. I immediately prepared a note addressed to Baron Komura embodying the dispatch contained in your telegram and at 11.30 P.M. it was handed by my messenger to the officials of the Foreign Office. I thereupon telegraphed you that your instructions had been carried out and that the reply of the Japanese Government would follow and be transmitted by me the same night. At 1 A.M. to-day the Japanese reply was handed to my messenger, whereupon I telegraphed it to you as quickly as it could be put in cipher. At 6 P.M. to-day I received your message asking if I had received your two important messages of the eighth. In reply thereto I telegraphed you that your messages had reached me after being delayed about twenty hours in transmission and that the second message had arrived six hours before the first. I presume that the Department understands without this explanation that whatever delays took place in transmitting your messages occurred while in transit and not in this Legation.

The Minister for Foreign Affairs having hitherto made no verbal comment upon the situation I have at present nothing to state by way of explanation beyond informing you of the manner in which your instructions have been carried out.

The text of the notes exchanged between Baron Komura and me, copies of which are enclosed herewith, were made public by the Japanese Government at six o'clock this afternoon. The mail by which I am sending this dispatch is closing before there has been time to observe the effect of that announcement on the public mind.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Griscom.*

ENCLOSURES:

- 1 - Readings of the telegrams exchanged June 8, 9 & 10
- 2 - Mr. Griscom to Baron Komura June 9, 1905, - copy
- 3 - Baron Komura to Mr. Griscom June 10, 1905, - copy.

Enclosure No. 1 with Mr. Griscom's No. <sup>274</sup> June 10, 1905.

Telegram received June 9, 1905, 2 P.M.

*June 8*  
Griscom, American Legation, Tokio.

Eighth. Please inform Department without delay when you present my cablegram of this morning to the Japanese Government. *copy*

Loomis.

Telegram received June 9, 1905, 8 P.M.

*June 8*  
Griscom, American Minister, Tokio. *copy*

Present to the Japanese Government the following dispatch which is identical in terms with one which is being sent to Russia (period) It will be made public in Washington after it has been received by the two Governments (period)

The President feels that the time has come when in the interest of all mankind he must endeavor to see if it is not possible to bring to an end the terrible <sup>and</sup> lamentable conflict now being waged (period) With both Russia and Japan the United States has inherited ties of friendship and good will (period) It hopes for the prosperity and welfare of each and it feels that the progress of the world is set back by the war between these two great nations. The President accordingly <sup>N</sup>urges the Russian and Japanese Governments not only for their own sakes but in the interest of the whole civilized world to open direct negotiations for peace with one another. The President suggests that these peace negotiations be conducted directly and exclusively between the belligerents; in other words that there may be a meeting of Russian and Japanese

Plenipotentiaries

Plenipotentiaries or delegates without any intermediary in order to see if it is not possible for these representatives of the two Powers to agree to terms of peace (period) The President earnestly asks that the Japanese Government do now agree to such meeting and is asking the Russian Government likewise to agree (period) While the President does not feel that any intermediary should be called in in respect to the peace negotiations themselves he is entirely willing to do what he properly can if the two Powers concerned feel that his services will be of aid in arranging the preliminaries as to the time and place of meeting. But if <sup>even</sup> these preliminaries can be arranged directly between the two Powers, or in any other way the President will be glad as his sole purpose is to bring about a meeting which the whole civilized world will pray may result in peace.

Loomis.

Telegram sent June 9, 1905, 11.30 P.M.

Secstate Washington.

Ninth. Your telegram of the morning of the eighth received eight P.M. today and presented to the Japanese Government at eleven P.M. Answer follows to-night.

Griscom.

Telegram sent June 10, 1905, 1 A.M.

Secstate Washington.

June 10, 1 A.M. The Minister for Foreign Affairs has handed me the following answer to the dispatch embodied

in

in your telegram of the eighth instant (quote)

The Imperial Government have given to the suggestion of the President of the United States embodied in the Note handed to the Minister for Foreign Affairs by the American Minister on the 9th instant, the very serious consideration to which, because of its source and its import, it is justly entitled (period)

Desiring in the interest of the World as well as in the interest of Japan the re-establishment of peace with Russia on terms and conditions that will fully guarantee its stability, the Imperial Government will, in response to the suggestion of the President, appoint plenipotentiaries of Japan to meet plenipotentiaries of Russia at such time and place as may be found to be mutually agreeable and convenient, for the purpose of negotiating and concluding terms of peace directly and exclusively between the two belligerent Powers. (end quote)

Griscom.

Telegram received June 10, 1905, 6 P.M.

Griscom, Minister, Tokio.

Have department's two important messages of the eighth reached you?

Loomis.

Telegram sent June 10, 1905, 6 P.M.

Secstate Washington.

June tenth 6 P.M. Your two important telegrams of the eighth reached here delayed about twenty hours in transmission

transmission. The first arrived six hours after the second.

Griscom.

ENCLOSURE NO. 2 WITH MR. GRISCOM'S NO. 244 OF JUNE 10 ?, 1905.

American Legation, Tokio, Japan,

June 9, 1905.

Monsieur le Ministre,

In compliance with telegraphic instructions from the Secretary of State, I have the honor to communicate to Your Excellency the following:

The President feels that the time has come when in the interest of all mankind he must endeavor to see if it is not possible to bring to an end the terrible and lamentable conflict now being waged.

With both Russia and Japan the United States has inherited ties of friendship and good will. It hopes for the prosperity and welfare of each and it feels that progress of the world is set back by the war between these two great nations.

The President accordingly urges the Russian and Japanese Governments, not only for their own sakes but in the interest of the whole civilized world, to open direct negotiations for peace with one another.

The President suggests that these peace negotiations be conducted directly and exclusively between the belligerents; in other words, that there may be a meeting of Russian and Japanese plenipotentiaries or delegates without any intermediary, in order to see if it is not possible for these representatives of the two Powers to agree to terms of peace.

The

To His Excellency  
The Baron Komura Jutaro,  
His Imperial Japanese Majesty's  
Minister for Foreign Affairs.

The President earnestly asks that the Japanese Government do now agree to such meeting and is asking the Russian Government likewise to agree.

While the President does not feel that any intermediary should be called in in respect to the peace negotiations themselves, he is entirely willing to do what he properly can if the two Powers concerned feel that his services will be of aid in arranging the preliminaries as to the time and place of meeting. But if even these preliminaries can be arranged directly between the two Powers, or in any other way, the President will be glad, as his sole purpose is to bring about a meeting which the whole civilized world will pray may result in peace .

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) Lloyd C. Griscom.

ENCLOSURE NO. 3 WITH MR. GRISCOM'S NO. 274 OF JUNE 10, 1905.

COPY.

(Translation)

Department of Foreign Affairs  
Tokio 10th day of the 6th month  
38th year of Meiji.

Monsieur le Ministre:

I have the honour to acknowledge the receipt of Your Excellency's Note of the 9th instant communicating to me a telegraphic instruction to you from the Honourable the Secretary of State and I beg to request that you will have the goodness to transmit by wire the following as the reply of the Imperial Government.

The Imperial Government have given to the suggestion of the President of the United States embodied in the Note the very serious consideration to which, because of its source and its import, it is justly entitled.

Desiring, in the interest of the world as well as in the interest of Japan, the re-establishment of peace with Russia on terms and conditions that will fully guarantee its stability, the

Imperial

His Excellency

Lloyd C. Griscom

Envoy Extraordinary and Minister Plenipotentiary  
of the U. S. A.

&c., &c., &c.

Imperial Government will, in response to the suggestion of the President, appoint plenipotentiaries of Japan to meet plenipotentiaries of Russia at such time and place as may be found to be mutually agreeable and convenient, for the purpose of negotiating and concluding terms of peace directly and exclusively between the two belligerent Powers.

I avail, &c.,

(Signed) Jutaro Komura  
Minister for Foreign Affairs.

RECEIVED  
JUL 17 1905  
STATE

*File*

UNITED STATES LEGATION,  
TOKIO.

*M. Osborne*

DIPLMATIC  
JUL 17 1905  
BUREAU.

No. *X*

CHIEF CLERK,  
JUL 17 1905  
Department of State.

June 15, 1905.

Mr. Griscom to Mr. Hay,

*Transmitting  
to Mr. Hay  
Relations. R. J.  
Ack.*

*ack'd  
to Treasury  
Jul 18, 1905*

*One copy of encl.  
retained in  
Bureau Ind. Rel.  
Jul 18, 1905*

Subject:-- Transmitting two copies of Financial Annual  
of Japan.

INDEX BUREAU  
JUL 19 1905  
FILED

UNITED STATES LEGATION,  
TOKIO.

No. X

June 15, 1905.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to transmit herewith, under separate cover, two copies of the fifth Financial and Economical Annual of Japan, which has just been issued by the Department of Finance.

I have the honor to be,

Sir,

Your obedient servant,


*Lepachisawa.*

*Copy*  
TELEGRAM RECEIVED IN CIPHER.



*From* TOKIO,

Received June 18, 1905,  
9:45 p. m.

  
Secretary of State,  
Washington.

Baron Komura requests me to inform the President by telegraph of the deep satisfaction of the Japanese Government at the selection of Washington as the place of negotiations. He desires me to assure the President that the attitude taken by the Japanese Government regarding the nature of the powers to be conferred on the peace plenipotentiaries was not in any degree inspired by a desire to raise difficulties or delay negotiations. Experience has taught the necessity of caution, and the Japanese Government thought that by securing at the outset a common understanding upon this subject they would preclude possibility of any difficulty arising in the initial state of negotiations, and would smooth the way for the real work of the negotiators. But, having entire confidence in the wisdom of the President, the Japanese Government accepts his interpretation of the intention of Russia and will without further question appoint

*iphered by the Chief Clerk's Office,*

TELEGRAM RECEIVED IN CIPHER.

---

*From*

2

plenipotentiaries with full powers negotiate and conclude terms of peace. The appointment will be made in time to enable the plenipotentiaries to reach Washington during the first ten days in August, and the persons to be selected will be officials, and of high rank and position, who have the confidence of His Imperial Majesty and of the Japanese Government.

G R I S C O M.

Telegram Received in Cipher.



From TOKIO,

Received June 18, 1905,

1:57 p. m.



Secretary of State,  
Washington.



June 18, 12 noon. In compliance with your instructions I have communicated verbally to the Minister for Foreign Affairs the contents of your telegram received eleven last night. He replied that if the plenipotentiaries meet the first step will be to exchange full powers, and if these are not nearly identic a hitch would occur at the outset. To avoid this, and with a sincere desire that the negotiations should both begin and end well, the Japanese Government had called the President's attention to the discrepancy between the Japanese and Russian reply. However, the final position of the Japanese Government, with regard to the question of full powers will be considered at a cabinet meeting today and the result will probably be communicated to the President later today.

GRISCOM.

Deciphered by the Chief Clerk's Office,

June 19, 1905. 9:30 a. m.

TELEGRAM RECEIVED IN CIPHER.



*From* TOKIO,

Received June 19, 1905,

9:17 a. m.

Secretary of State,  
Washington.

June 19, 1 p. m. I am asked informally by Japanese Foreign Office officials to ascertain if the Japanese peace conference delegates and suite could be exempted from the declaration and medical examination of Asiatics required under our immigration laws.

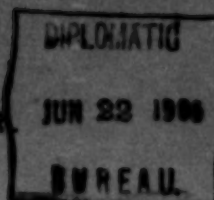
GRISCOM.



iphered by the Chief Clerk's Office,

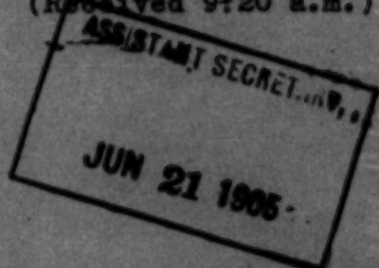
June 19, 1905. 10:05 a. m.

TELEGRAM RECEIVED IN CIPHER



From <sup>05</sup> Tokio, June 21, 1905.

(Received 9:20 a.m.)



*Handwritten signatures*  
Secretary of State,  
Washington.

June 21, noon. Instructions contained in President's telegram received yesterday have been carried out.

G r i s c o m .



Deciphered by the Chief Clerk's Office, June 21, 1905. 9:40 a.m.



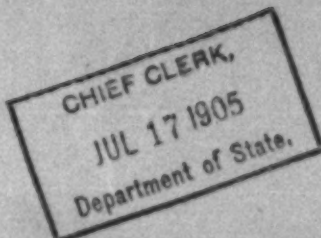
UNITED STATES LEGATION  
TOKIO.



DIPLOMATIC BUREAU.  
To Com. & Labor, for publi-  
cation.  
Ask & file.

*aa*

No. 275.



June 22, 1903.

*acis  
to C. & L.  
JUL 19, 1905  
File Lys.*

Mr. Griscom to Mr. Hay.

Subject:-- Transmitting translation of regulations relating  
to the removal of private property from Port  
Arthur.



UNITED STATES LEGATION,  
TOKIO.

No. 275.

June 22, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to transmit herewith a translation of regulations, published in the Official Gazette of the 12th instant, relating to the removal of private property from Port Arthur.

I have inquired at the Foreign Office as to the scope of the regulations and find that they apply only to such foreigners as are now in Port Arthur and desire to leave or send away their property. The authorities of the War Department consider that the military conditions existing at Port Arthur do not yet permit them to allow foreigners who left before the siege to return and look after their property.

I have the honor to be,

Sir,

Your obedient servant,

*Leopold Ruess*

Enclosure:

Translation of regulations relating to the removal of private property from Port Arthur.

Enclosure with Mr. Brisson No. 275 of June 22, 1905.

The Regulations Concerning the Removal of Property  
Belonging to Persons Leaving Port Arthur.

( Promulgated June 10, 1905)

- Art. 1. A foreigner who is leaving or about to leave Port Arthur may carry away his private property from Port Arthur harbor by ship within 45 days after the date of the promulgation of these regulations.
- Art. 2. Ships to carry out the private property according to the provision of the preceding article shall be a Japanese vessels and their officers and crews must be entirely subjects of the Japanese Empire.  
The ships mentioned above must not exceed 15 feet draught.  
When a change is necessary in this respect due notice will be given accordingly.
- Art. 3. One who desires to carry out his private property according to Art. 1 shall make an application to and receive the permission of the Minister of Navy or the Commander-in-chief of the Naval Station of Port Arthur according to the form attached.
- Art. 4. Ships that have received the permission to go in and out the harbor in accordance with the preceding article shall so notify the Harbor Master's office of Port Arthur and the Military Administration Office of Port Arthur within 24 hours .
- Art. 5. Ships which go in and out the harbor with permission from the Minister of Navy or the Commander-in-chief of the Naval Station of Port Arthur must observe the harbor regulations of the Port.
- Art. 6. No one is permitted to land except those who have landing permits from the Naval Station of Port Arthur.

The permits here mentioned must state that the bearer is a member of the ship's crew or a passenger and the time of the ship's arrival and departure

and he must show it to any Gen d'arm or sentinel on demand. Such permit is good only during the period of anchorage.

Art. 7. One who intends to leave harbor on board a ship which has a license in accordance with Art. 3 shall obtain the permission from the Military Administration Office and the latter when necessary may order the one who chartered the vessel to take on board persons that are leaving the harbor or those that have violated the provisions of the preceding article ( without charge if the person in question are unable to pay).

Art. 8. Nothing may be taken on board except what is permitted by the Military Administration Office. The Military Administration Office if necessary may order one who has chartered the vessel to transport personal properties belonging to other persons to harbors where the owners may take delivery of them to be handed over to the owners upon payment of the freight charge fixed by the Military Administration Office.

Art. 9. Those who wish to avail themselves of the privilege of using the telegraph between foreigners in Port Arthur and consuls, companies or individuals outside the war zone in order to communicate in regard to the matters connected with the disposal of properties, the hiring of ships or arrangements with regard to the going in and out the harbor shall conform the following rules.

a. Telegrams must be written in either Japanese or English. No limit shall be imposed as to the number of words

b. Telegrams from foreigners in Port Arthur shall be despatched from the Japanese Post Office at Yingkow after inspection at the Commander's office

of Port Arthur Garrison. Telegraph fees must be paid by the sender.

c. Telegrams coming from the outside of the war zone to foreigners in Port Arthur are to be received at the Japanese Post Office at Yingkow and will be delivered after inspection at the Commander's office of Port Arthur Garrison.

d. Telegrams will be carried between Yingkow and Port Arthur by Railway Post.

Form requesting permission.

Permission is respectfully requested to carry out private properties from Port Arthur by ship.

Name \_\_\_\_\_  
Nationality, \_\_\_\_\_  
Present address ( in Port Arthur) \_\_\_\_\_  
Present (permanent) address, \_\_\_\_\_  
Profession. \_\_\_\_\_

I now intend to leave Port Arthur and to carry out my private property from Port Arthur to ----- by ----- a ship registered in the Japanese Empire belonging to ----- company (or -----) before ----- (day) ----- (month) ----- (year) and ask this will be granted.

( When the whereabouts of the above ship are known that should also stated ).

Date -----

Name -----

To the Minister of Navy ,  
or the Commander-in-chief of  
the Naval Station of Port Arthur.



UNITED STATES LEGATION,  
TOKIO.



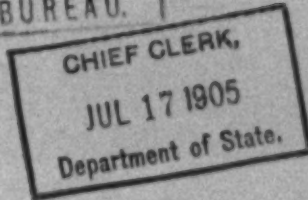
DIPLOMATIC BUREAU.

*To the President's  
Secretary.  
Ack. aag*

No. 276



June 22, 1905.



*To President's Secy  
July 17  
Ack'd July 18  
File Lys.*

Mr. Griscom to Mr. Hay.

SUBJECT: Japanese press comment relating to the peace  
proposal and terms of peace.



UNITED STATES LEGATION,  
TOKIO.

No. 276.

June 22, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

In closing my dispatch No. 274, of June 10th, I had the honor to state that it was at that time too early to report how the announcement of the President's proposal to open peace negotiations had been received by the Japanese public. Since then there have been abundant references to the subject in the papers of the country, both foreign and Japanese, copies of some of which I have the honor to transmit herewith.

It will be noted that the public opinion of Japan as reflected in the press is unanimous in expressing gratification that the proposal of peace negotiations has come through the United States, the traditional friend of both Japan and Russia; and that the prime mover was the President, whose personal character and high official position they deem to constitute the fullest guarantee of the sincerity of both belligerents in approaching the question of peace.

The press is also unanimous in advocating the necessity of extreme caution in commencing the actual negotiations, and the advisability of continuing active military operations without an armistice, or with only a limited armistice, until the treaty of peace shall have been actually signed and ratified.

There is a wide diversity of opinion expressed as to the terms of peace. The extremists demand that Russia shall pay a money indemnity of one thousand million

dollars

dollars; that Russia acknowledge Japan to have a preponderating influence in Korea and a general control of the Korean Government; that Vladivostock and the Russian Maritime Provinces be ceded to Japan; that all the Russian Government's rights and property in Manchuria be given to Japan; that Saghalien be ceded to Japan; that the war ships now interned in foreign ports should become the property of Japan; and that a limit be fixed on the Russian Naval armament in the Pacific.

The moderate writers demand that a money indemnity of five hundred million dollars be paid by Russia; that Saghalien be ceded to Japan and that Russia acknowledge Japan's preponderating influence in Korea and consent to Japan's control of Korean foreign relations.

It is interesting to note that there is no desire expressed by any responsible Japanese paper that Japan should acquire territory at the expense of China or Korea. It is universally conceded that Manchuria must be restored to China with only such restrictions as will insure the protection of foreigners and the open door. It is clear that no treaty would be acceptable to the Japanese people that did not include an indemnity at least sufficient to repay the actual expenses of the war and such other terms as will insure a definite prospect of peace between the two countries for at least the next generation.

In view of the diversity of opinion among the many parties and the exorbitant demands of some, it is difficult to see how the Japanese plenipotentiaries could secure any peace conditions which would satisfy all parties in Japan.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison*

Enclosures: Translations and extracts from the Japanese  
and foreign press.

Enclosure with Mr. Ericsson No. 276 of June 22, 1905.

Translation.

( From the "Jiji Shimpō", editorial, June 11, 1905 )

The Czar, the Grand Dukes and the Ministers of Russia , having become convinced of the fruitlessness of continuing the struggle, have decided to accept the proposal of President Roosevelt to open formal peace negotiations with our Government. The latter, being convinced because of the high source through which the proposal came, that Russia was sincere in her desire has also accepted the President's proposal and has consented to appoint plenipotentiaries to negotiate terms . If Russia sincerely desires peace then we must heartily welcome the proposal since we too desire only peace.

We cannot say what the terms of peace will be, but since Russia has come to the point of acknowledging her defeat she will no doubt be ready to accept the reasonable conditions that we will impose. We trust that the result of the negotiations will be such as will crown our victory with glory and accomplish the end to which we have always held,-- the preservation of the peace of the Far East.

The Japanese arms have been constantly victorious on land and sea, yet since Russia is a very strong Power the prospect was that the war would be prolonged. Japan is not concerned as to her own success in such event, but the loss of more thousands of lives owing to the prolongation of the war would be a matter of sincere regret. President Roosevelt has exerted his powerful influence in the interests of humanity and has persuaded the Czar to abandon his determination to prolong the war, and has opened the way for the two belligerents to negotiate for peace. We are profoundly grateful to the President for his

humane

humane and chivalrous act, which will never be forgotten by the two nations.

"Jiji Shimpō" (second edition), June 11, 1905.

The step taken by President Roosevelt was indeed prompted by his sincere respect for the interests of the whole civilized world, and his proposal is worthy to be listened to with respect because of the position of America and the personal character of the President. The reply given by our Government to the latter's suggestion was the proper step to take. Russia, we hope, has likewise given a similar reply. If that be so, the peace negotiations should be opened as quickly as possible.

Although the outcome of the negotiations is of course uncertain, still as a mark of respect to the President and in recognition of his earnest efforts to afford an opportunity to the two belligerents to cease the lamentable war in the interests of all mankind and for the sake of the peace of the whole civilized world, the negotiations should be quickly opened in order to secure the happy result aimed at by the President's proposal.

Translation.

( From the "Kokumin Shimbun", editorial, June 11, 1905)

The dawn of peace has appeared through the humane and chivalrous proposal of President Roosevelt. We say the dawn of peace because real peace will not have come until the belligerents have formally signed a treaty of peace and exchanged ratifications. The President of the United States has advised us, with earnest sincerity, to open direct negotiations with Russia, -not for the sake of Japan and Russia alone but also for for the sake of the whole civilized world. We are sincerely grateful that President Roosevelt, who is known throughout the world for his clean record and high aspirations, assumed the responsibility, in his exalted position as the President of the Great Republic, of making this proposal. There can be no question whatever of personal motives, either for himself or for his country, in his ~~intense~~ endeavor for the restoration of peace. His only purpose is to apply to the world at large the broad humanitarian principles which Washington, the Father of his Country, laid down for the guidance of the American nation.

We have every reason to believe in the sincerity of Russia's desire for peace; for President Roosevelt would never have consented to make such a proposal were he not assured of Russia's sincerity and good faith; nor would our Government have given a favorable reply were it not for their entire confidence in the President. We therefore hope that Russia will do nothing to disappoint the humane and magnanimous purpose of the President.

We are only at the dawn of peace and no one can tell what may happen before the conclusion of the negotiations. We must therefore not loosen the strings of our helmet or surrender ourselves to thoughts of peace until the negotiations are ended.

Translation.

(From the "NichiNichi Shimbun", editorial, June 11, 1905).

The civilized powers are desirous of the restoration of peace. France appears to have previously discussed this peace question with the United States, and in April of this year made nearly the same suggestion to Russia as that now made by America, but with certain limitations that were not acceptable to the Japanese Government. In the present instance, however, though the views of Russia are not clearly set forth in the recent official communications, the high standing of the initiator of the peace proposals ~~is~~ constitutes the fullest guarantee of the sincerity of purpose on the part of both belligerents. We therefore have no hesitation whatever in declaring that the acceptance of the President's proposal was an opportune and suitable step.

But it should not be forgotten that there are instances where in matters of similar supreme importance Russia has frequently behaved treacherously and retarded the progress of negotiations. Therefore we expect that the peace negotiations may be prolonged and we hope that Japan will not be misled by Russia. As to an armistice, Japan should not only positively refuse it, but should vigorously carry out the plan of campaign already determined upon as such a step, <sup>will be</sup> ~~is~~ not only advantageous to Japan in determining the conditions of peace, but will give no cause for regret even if the peace negotiations end in failure. Saghalien must be occupied by our troops quickly.

(From the "Japan Mail", editorial, June 12, 1905.)

(British)

The intervention of the PRESIDENT of the United States might, perhaps, have been anticipated. No European Potentate could have undertaken the task. But America is regarded with equally friendly eyes by each belligerent, and the absolutely disinterested nature of her action is above question. The incident will increase the goodwill that Japan has long borne to her great neighbor.

( From the "Japan Gazette", editorial, June 12, 1905.)  
(British)

PRESIDENT ROOSEVELT has succeeded in his delicate task of bringing both belligerents to consent to negotiate for peace. The success of that courageous and enlightened measure does not, of course, mean that peace is assured, but there are hopeful indications to that end, while the event, whether peace or not, cannot detract one whit from the admirable nature of the American action. This measure sets a new mark for international intercourse, and its success constitutes a precedent that scorns the narrow limits of traditional national diplomacy in favor of a broader policy that recognizes the claims of the brotherhood of man. Whatever the immediate result of these negotiations, the President's action will remain as a signal step not only towards peace but towards the permanent establishment of a higher and truer civilization.

( From the "Japan Advertiser", editorial, June 12, 1905.)  
(*American*)

That the outcome of the great naval battle would be peace was at once conceded by the consensus of the competent. Great as were Russia's power and resources, no one nation can stand against the whole of the rest of the world, and that was practically the position in which the defeated nation was placed. All that was then needed was the breaking of the diplomatic ice, and this has now been done in the deftest way by President Roosevelt, who to his reputation as the typical fighter of his day has now added the shining qualities of the world's great peace maker. No one can read the official announcement of the opening stage of the peace negotiations without being struck with admiration at the extraordinary diplomatic skill with which the seeming impasse was removed and the way opened by which the two combatants could come to an understanding without any hurt to the amour propre of either. ----- As a tried and trusted friend of both belligerents America issues an appeal to them, in behalf of the whole civilized world, to come together and settle their own differences without interference from any other power or powers whatsoever.

*The Japan Times.*

TOKYO, THURSDAY, JUNE 22ND, 1905.

**MILITARY INSTRUCTIONS RE-  
LATING TO PEACE.**

Lieut.-General Terauchi, Minister of War, has issued instructions to our forces at the front, in reference to the peace proposal made by President Roosevelt. The Minister, in substance, states that the conclusion of peace is still uncertain, while the future of the war must be regarded as remote. Our officers and men, therefore, should discharge their duties at this juncture more zealously than ever.

*Duplicate*

TOKYO, THURSDAY, JUNE 22ND, 1905.

## COUNT OKUMA ON PEACE NEGOTIATIONS.

The *Jiji* publishes the following as Count Okuma's views on the peace proposals made by President Roosevelt:—

The Count states that not only the belligerents but the whole world ought to thank President Roosevelt for taking the initiatory measure for the conclusion of peace. President Roosevelt's proposal that the negotiations should be carried out by the belligerents alone without any intermediary and that he himself would abstain from taking part in the proceedings, will make it very difficult for any third Power to intermingle with the negotiations. The action of President Roosevelt in making overtures for peace equally both to Russia and Japan spares Russia the disgrace of being the first to surrender. The case is very different from that of the Japan-China war, when Li Hungchang came to Japan to ask for peace, or that of the Franco-Prussian war, when Thiers sought the King of Prussia for the same purpose. As the proposer of peace, no country is so well entitled to the task as the United States. Not only has she hitherto maintained a neutral position with regard to European politics, but she is also friendly to Russia and Japan. She enjoyed the hearty sympathy of Russia during the War of Independence and the Civil War, and acquired Alaska from Russia at a very moderate price. In the present war, the sympathy of the United States was with Japan for the sake of the latter's love of justice and liberty, but this did not prevent America from remaining Russia's friend. The fact that the proposal for peace has emanated from President Roosevelt has given satisfaction to the Japanese. Referring to the question of an armistice, the Count states that the armistice, if any, must not be of longer duration than a week. For not only would a prolonged armistice be exceedingly disadvantageous to Japan, but Russia's intention could not be easily fathomed. The Tsar can be swayed by the Grand Duke at any moment. We ought to take every precaution against incurring unexpected loss in connection with the negotiations. As for the terms of peace, our people may have various demands. But we must avoid making too heavy demands. At the same time the terms must be such as to ensure the stability of peace between Russia and Japan, or otherwise the peace will be a sort of armistice and Russia will seek to revenge herself on Japan before long.

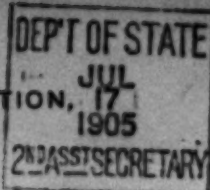
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UNITED STATES LEGATION,  
DIPLOMATIC TOKIO.

JUL 17 1905

BUREAU.



DIPLOMATIC BUREAU.

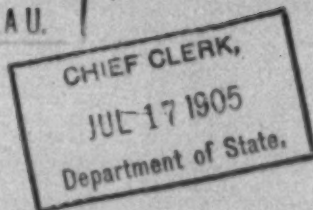
To the President's Secre-  
tary.

Ack.

*ack*

June 23, 1905.

No. 277.

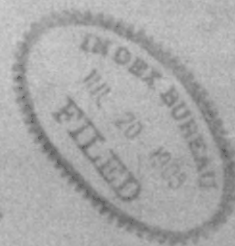


*File S.S.S.*

Mr. Griscom to Mr. Hay.

*Acted  
To President  
July 18*

Subject:--Confirming telegrams regarding appointment of  
peace plenipotentiaries.



UNITED STATES LEGATION,  
TOKIO.

No. 277.

June 23, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to confirm as enclosed herewith an exchange of telegrams on the 17, 18, 19, 20, and 21 instant between the Department and this Legation in relation to the appointment by Japan and Russia of plenipotentiaries to negotiate terms of peace.

I received your first mentioned telegram at eleven o'clock in the evening of the 17 instant, too late to arrange an interview with the Minister for Foreign Affairs, but on the following morning I had an interview with Baron Komura and communicated to him verbally your message setting forth the opinion of the President with regard to the representations made by the Japanese Government in relation to the failure of Russia in its reply to the President's identic note to specifically state that they would give their delegates to the Peace Conference full powers to negotiate and conclude a treaty of peace.

Baron Komura replied that his Government felt deep satisfaction in the choice of Washington by the President as the meeting place of the plenipotentiaries. With regard to the question of full powers he stated that when the plenipotentiaries meet the first step will be to exchange full powers, and if these are not nearly identic, a hitch will occur at the outset. To avoid such an unfortunate occurrence

occurrence, and animated by a sincere desire that the negotiations should both begin and end well, the Japanese Government had called the President's attention to the discrepancy between the Japanese and the Russian reply. However, he said that the final position of the Japanese Government with regard to the question of full powers would be considered at a Cabinet meeting that afternoon and the result would probably be communicated to the President by Mr. Takahira or through me later the same day.

At midnight on the 18 instant I received from Baron Komura a personal note requesting me to telegraph to you the reply of the Japanese Government in the sense of a telegram from him to Mr. Takahira, copy of which he enclosed. I immediately telegraphed you in accordance with his request.

On the afternoon of the following day I learned from some of the officials of the Foreign Office that considerable anxiety was felt as to whether the Japanese Peace Delegates and their suite would be obliged to make the declarations and submit to the medical examination required by our immigration laws. It was suggested that I ascertain if they could be exempted from the operation of the laws, whereupon I telegraphed you in that sense.

On the 20 instant at 12 o'clock noon I received the President's telegram, directing me to inform the Foreign Office that the delegates would not be asked a question or required to make a statement of any kind. The President also directed me to express to Baron Komura his deep appreciation of his Excellency's expression conveyed in my telegram of the 18 instant. He added that he would give Mr. Takahira at length the reasons that influenced him so that Mr. Takahira might communicate them in full to Baron Komura.

On

On the evening of that day I verbally conveyed to Baron Komura the President's message, and in reply he stated that he would at once inform the Emperor. I telegraphed you on the 21 instant informing you that the President's instructions had been carried out.

I have the honor to be,

Sir,

Your obedient servant,

*Louis Criscara.*

CLOSURE:

Readings of telegrams exchanged between the 17 and 21 June.

ENCLOSURE NO. 2 WITH MR. GRISCOM'S NO. 277 OF JUNE 23, 1905.

Telegram received 11 P.M. June 17, 1905

"Griscom, American Minister ,

"Tokyo.

"The President has informed Minister Takahira  
"that he considers it most unwise for Japan to hang  
"back or raise questions over the wording of the  
"Russian note about the sending of delegates peace  
"conference. Period. <sup>for</sup> Japan now to hang back will  
"create a most unfortunate impression in this country  
"and in Europe. Period. At present the feeling is  
"that Japan has been frank and straightforward and  
"wants peace if it can be obtained on proper terms,  
"whereas Russia has shown a tendency to hang back.  
"It will be a misfortune for Japan in the judgment  
"of the President if any action of Japan now gives  
"rise to the contrary feeling; moreover, in the  
"President's judgment, there is absolutely nothing  
"to be gained by such action on the part of Japan.  
"No instructions to the plenipotentiaries would be  
"of any avail if they did not intend to make peace,  
"but if as the President believes, the force of  
"events will tend to secure peace if once the rep-  
"resentatives of the two parties can come together,  
"then it is obviously most unwise to delay the meet-  
"ing for reasons that are trivial or of no real  
"weight. The President regretted that Japan would  
"not accept The Hague as the place of meeting but  
"in accordance with Japan's wishes he has arranged  
"for the meeting to take place in the United States.  
"The President has the assurance of the Russian Am-  
"bassador that the Russian plenipotentiaries will,  
"as a matter of course, have full power to conclude

*Copy*

(2)

"a definite treaty of peace subject to the ratification of the home Government, but even if this were not so, the President feels that it would be most unwise for Japan now to withdraw from the meeting, especially in view of the terms in which the President's identical note was couched; and he also feels that if the meeting can be secured the really important step toward obtaining peace will have been taken without any reference to the exact form in which the plenipotentiaries receive their instructions. Communicate this to the Minister for Foreign Affairs.

"Loomis".

Telegram sent June 18, 1905.

"Secstate, Washington.

"June 18, 12 Noon. In compliance with your instructions I have communicated verbally to the Minister for Foreign Affairs the contents of your telegram received eleven last night. He replied that if the plenipotentiaries meet the first step will be to exchange full powers and if these are not nearly identical a hitch would occur at the outset. To avoid this and with a sincere desire that the negotiations should both begin and end well, the Japanese Government had called the President's attention to the discrepancy between the Japanese and Russian reply. Period. However, the final position of the Japanese Government with regard to the question of full powers will be considered at a cabinet meeting today and the result will probably be communicated to the President later today.

"Griscom".

Telegram

(3)

Telegram sent June 18, 1905.

Secstate, Washington. *copy*

"June 18, 12 Midnight. Minister for Foreign  
"Affairs requests me to inform the President by  
"telegraph of the deep satisfaction of the Japanese  
"Government at the selection of Washington as the  
"place of negotiations. Period. He desires to as-  
"sure the President that the attitude taken by the  
"Japanese Government regarding the nature of the  
"powers to be conferred on the peace plenipotentiar-  
"ies was not in any degree inspired by a desire to  
"raise difficulties or delay negotiations. Exper-  
"ience has taught the necessity of caution and the  
"Japanese Government thought that by securing at  
"the outset a common understanding upon this subject  
"they would preclude possibility of any difficulty  
"arising in the initial stage of negotiations and  
"would smooth the way for the real work of the nego-  
"tiators; but having entire confidence in the wisdom  
"of the President the Japanese Government accept his  
"interpretation of the intention of Russia and will  
"without further question appoint plenipotentiaires  
"with full powers to negotiate and conclude terms  
"of peace. The appointment will be made in time to  
"enable the plenipotentiaires to reach Washington  
"during the first ten days in August, and the persons  
"to be selected will be officials of high rank and  
"position who have the confidence of His Imperial  
"Majesty and of the Japanese Government.

"Griscom".

Telegram sent June 19, 1905.

Secstate, Washington.

"June 19, 1.00 P.M. I am asked informally by *copy*

"Japanese

(4)

"Japanese Foreign Office officials to ascertain  
"if the Japanese peace conference delegates and  
"suite could be exempted from the declarations and  
"medical examination of Asiatics required under our  
"immigration laws.

"Griscom".

Telegram received 12 Noon, June 20, 1905.

"Griscom, American Minister,

"Tokyo. *Copy*

"In the first place, inform the Foreign Office  
"that of course not one member or attache of the  
"Japanese peace delegation or any one else connected  
with the Japanese Government will be asked a question  
or required to make a statement of any kind. Advise  
"them immigration authorities already seen. Period.  
"Express to Baron Komura my deep appreciation of his  
"expression conveyed by your cable of the eighteenth.  
"Period. I shall give to Mr. Takahira at length the  
"reasons that influenced me so that he may communi-  
"cate them in full to Baron Komura.

"Theodore Roosevelt".

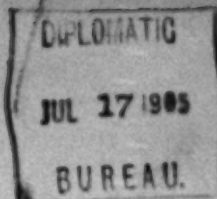
Telegram sent June 21, 1905.

"Secstate, Washington,

"June 21, Noon. The instructions contained in  
"the President's telegram received yesterday have  
"been carried out.

"Griscom".

UNITED STATES LEGATION,  
TOKIO.



No. 278.

June 27, 1905.



Mr. Griscom to Mr. Hay.

*To Agriculture  
Adm. B.S.  
Advis  
to Agriculture  
over 18, 1905  
File*

Subject:- Statistical Reports for the Hon. the Secretary of  
Agriculture transmitted.



UNITED STATES LEGATION,  
TOKIO.

No. 278.

June 27, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 123, of the 9 ultimo, with an enclosure from the Secretary of Agriculture, directing me to obtain, if possible, certain statistical reports for the completion of the series in the Department of Agriculture.

Of the six numbers desired three are out of print and not obtainable. The other three, numbers 17, 18, and 19, which are in the Japanese language only, are transmitted herewith under separate cover.

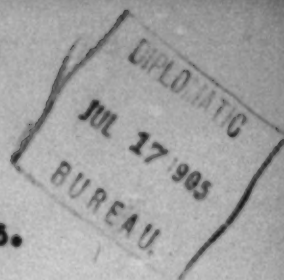
I have the honor to be,

Sir,

Your obedient servant,

*L. J. Schisler*

UNITED STATES LEGATION,  
TOKIO.



June 28, 1905.



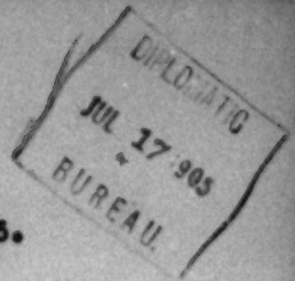
Mr. Griseom to Mr. Hay.

*ack  
7/19  
file  
go*

Subject:- Error in transmission in the Legation's telegram  
of May 27, re Battle of the Sea of Japan.



UNITED STATES LEGATION,  
TOKIO.



June 28, 1905.



Mr. Griscom to Mr. Hay.

*ack  
7/19/05  
File  
mo*

Subject:- Error in transmission in the Legation's telegram  
of May 27, re Battle of the Sea of Japan.



UNITED STATES LEGATION,  
TOKIO.

No. 279.

June 28, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to your unnumbered dispatch of the 31st ultimo, confirming various telegrams received from this Legation, I observe that one of the telegrams reads as follows:

"Announced officially Japanese fleet engaged Baltic squadron in Tsu Shyma Straits this afternoon which was held. Cannonading heard from shore".

As will be observed from the confirmation of my telegram sent June 2nd this telegram should read:

"Announced officially Japanese fleet engaged Baltic squadron in Tsu Shyma Straits this afternoon. Heavy cannonading heard from shore."

Upon examination of the code it will be seen that the fourth figure in the group was evidently changed from "2" to "8" by an error in transmission, making the phrase "which was held" displace the proper reading which was "heavy".

In view of the attention which the words "which was held" seemed to attract in the public press in America I deem it advisable to call this error to your attention.

I have the honor to be,

Sir,

Your obedient servant,

*L. G. Nichols*

RC  
TELEGRAM RECEIVED IN CIPHER.

DIPLOMATIC

JUN 30 1905

BUREAU.

*Trigh*  
Tokio, June 29, 1905.

*Adm. Secy*  
(Received 11:40 p.m.)

FOR RELS. 1905.



Secretary of State,  
Washington.

The Japanese Military Commander has by proclamation opened to the Japanese merchants for trade and travel the following Manchurian towns: Tashikao, Old New Chwang, Haicheng, Anshantien, Liaonoang, Kaiping, Feng Wang Cheng and Saimachi. In view of the advantage thus given Japanese merchants, I made inquiry today of the Minister for Foreign Affairs, and was informed that it is purely a military measure.

G R I S C O M .



DEPARTMENT OF STATE  
JUN 30 9 38 AM 1905  
CHIEF CLERK'S OFFICE

Deciphered by the Chief Clerk's Office, June 30, 1905. 9:30 a.m.

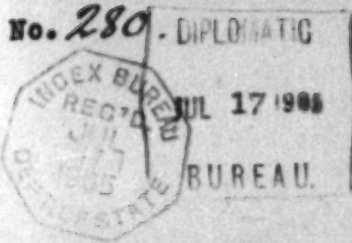
UNITED STATES LEGATION  
TOKIO.



DIPLOMATIC BUREAU

To Com. + Labor, Com.  
fidentially -  
Ack.

June 29, 1905.



ack'd  
+ to Com.  
July 19, 1905  
Tul  
GP

Mr. Griscom to Mr. Hay.

Subject:- Anti-American agitation among Chinese due to  
Chinese exclusion laws.



UNITED STATES LEGATION,  
TOKIO.

No. 280

June 29, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

I have the honor to report that I recently received a personal letter from Mr. Rockhill, our Minister to China, wherein he stated that to his regret he found upon his arrival in Shanghai considerable ill feeling existing between the American and Japanese merchants there resident. Upon inquiry he discovered that the feeling was founded on a suspicion on the part of the American merchants that the recent anti-American agitation among the Chinese in the treaty ports of China owing to the nature of our Chinese exclusion laws had been largely incited by the Japanese, with a view to damaging American trade and improving their own.

It so happened that shortly after the receipt of Mr. Rockhill's letter I observed a paragraph in the "Asahi", one of the leading vernacular newspapers in Tokio, telegraphed by its correspondent in Shanghai, making reference to the anti-American agitation and saying that it was expected that Japanese trade would greatly profit as a result of the movement. This somewhat significant paragraph gave such distinct color to the suspicion that the Japanese in Shanghai are parties to the anti-American agitation that I brought the matter to the attention of Baron Komura, first verbally and subsequently in an informal personal note, calling to his notice the paragraph in question.

On

On the 25th I received a letter from Baron Komura transmitting a copy of a telegram from the Japanese Consul-General at Shanghai, dated June 24th, and expressing his gratification upon learning that the agitation was not backed by the Japanese. The Japanese Consul-General at Shanghai states that the "Shipao", a vernacular paper in Shanghai, nominally with a certain Japanese as its proprietor but practically owned by a Chinese, has been taking an attitude in favor of the anti-American agitation. In spite of the Consul-General's warnings, given some time ago, the paper is as yet disinclined to give up its assertions. Under the circumstances the Consul will warn it once more, and if it still persists he will take the necessary measures. The Consul adds that the report that some Japanese have been backing the movement is entirely unfounded and he has already so stated to our Consul-General.

2  
A copy of Baron Komura's letter, together with its enclosure, and a copy of the article in the "Asahi" referred to, are transmitted herewith for your information.

3  
As supplementary to the above I may refer to the resentment of the working of our Chinese exclusion laws which is felt by the Chinese residents in Japan.

Mr. Miller, Consul-General at Yokohama, has already reported upon this subject in his dispatch No. 4 of the 27 instant.

Chinese merchants and others of the class admitted under our laws who are residents of Japan and who desire to visit the United States are now much more embarrassed than they were at the time when the certificate of the Chinese consular authority in conjunction with one from our own consulate at the place of residence of the Chinese was accepted.

The

The Japanese authorities decline to issue the certificate required to enter the United States on the ground that they are not in a position to give all the information required.

Thus it seems practically impossible, under the present effect of the law, for Chinese of any class who reside in Japan to obtain the certificates necessary for their admission.

I have the honor to be,

Sir,

Your obedient servant,

*Legat. C. Ruiseoru.*

ENCLOSURES:

1. Baron Komura to Mr. Griscom, June 25.
2. Telegram from Japanese Consul-General at Shanghai to Baron Komura, dated June 24.
3. Translation of extract from the "Asahi" of June 23.

Enclosure No. / with Mr. Griscom's No. 280 June 27, 1905.

C O P Y .

June 25, 1905.

Dear Mr. Griscom:

Regarding the Chinese agitation at Shanghai, to which you were good enough to call my attention, I beg to enclose, for your information, the translation of a telegram which the Japanese Consul-General has sent to me in reply to my inquiry on the subject. I am very glad to learn that the agitation is not backed by Japanese.

Yours very sincerely

Signed: Jutaro Komura

Enclosure No. 2 with Mr. Griscom's No. 280. June 27, 1905.

COPY OF TELEGRAM FROM THE JAPANESE  
CONSUL-GENERAL AT SHANGHAI DATED JUNE 24TH.

Regarding the agitation against exclusion of Chinese from the United States, the "SHIPAO", a vernacular paper in Shanghai, nominally with a certain Japanese as its proprietor, but practically owned by a Chinese, has been taking an attitude in favor of the agitation. In spite of my warning given some time ago, the paper is as yet disinclined to give up its assertions. Under such circumstances I will warn it once more, and if it still continues to be persistent, I will take proper measures. The report that some Japanese have been backing the movements in this connection is entirely unfounded. I have already explained to the American Consul the groundlessness of such report, but I will see him once again and will try to clear away any misunderstanding which he may have on this subject.

Enclosure No. 3 with Mr. Griscom's No. 280 June 27, 1905.

TRANSLATION.

Paragraph from the "Asahi" June 23rd.

The movement against the Chinese Exclusion Laws of America is getting stronger and stronger. All the well known merchants in all the provinces support the decision of the Chamber of Commerce, Shanghai; and the Chinese in Singapore hope to co-operate in the movement and cease to trade with the Americans. Students in schools established by the Americans are leaving and the Chinese servants or employees are leaving the American stores. All the Chinese papers are now considering the refusal of American advertisements in their papers. It is said that if America does not make some concession before June 7th of the Chinese Calendar (Lunar), all will join in this anti-American movement and consequently the American trade *with China* will receive a blow and our (Japanese) export business will reap unexpected profits.

*tip*

UNITED STATES LEGATION,  
TOKIO.



No. 281

June 29, 1905.



*ack'd  
Jul 19, 1905  
E. H. G. J. P.*

Mr. Griseom to Mr. Hay.

Subject:- Mr. Adolph Spitzel, who has a claim against the  
Japanese Government



UNITED STATES LEGATION,  
TOKIO.

No. 281.

June 29, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

Referring to my previous dispatches Nos. 261 of May 16 and 263 of May 24, on the subject of Mr. Adolph Spitzel's claim, I have the honor to enclose herewith copy of a confidential dispatch received today from our Consul-General at Shanghai.

The enclosure throws considerable light upon the character and enterprises of Mr. Spitzel.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd C. Griscom.*

ENCLOSURE:

Mr. Rodgers to Mr. Griscom, June 23.

Enclosure with Mr. Griscom's No. 28/ , June 29, 1905.

(Copy)

Confidential.

AMERICAN CONSULAR SERVICE.

No. 108.

Shanghai, June 23rd, 1905.

Hon. L. C. Griscom,  
E. E. & M. P. , U. S. A. ,  
Tokyo, Japan.

Sir:

I have the honor to acknowledge receipt of your communication of June 16th relative to Mr. Adolph Spitzel of Shanghai, and in reply to state that he left here June 3rd for England expecting to return early in September. His reputation I am informed is of an unsavoury nature. He was <sup>SUS</sup> expected in 1899 of furnishing arms to the Philippine insurgents and was directly accused of so doing by Consul General Bragg at Hongkong. At Tientsin in 1900 in association with his brother Louis, an English subject, he was charged with supplying arms to the Boxers, and was compelled to leave the North very hastily, his life being threatened. In 1901 he was a resident of Dawson City, Yukon Territory, when, I am told by a man who knew him there, he was engaged in questionable business practices. He apparently returned to China shortly before the outbreak of the Russian-Japan war and is supposed to have engaged immediately with his brother Louis in the contraband trade. It is current report in Shanghai that the "Sishan" was transferred without purchase to the Spitzels by the Russians and that they (the Spitzels) now claim her and refuse to acknowledge any other ownership. Apparently a great deal more concerning the Spitzels might be written, but

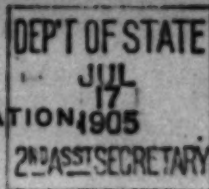
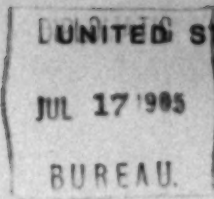
but the outline I have given will probably be sufficient. There seems to be no doubt in the minds of my informants as to the trade the "Sishan" was in at the time of seizure. Captain Harry Struve, who was in command of the "Sishan" during a part of the voyage which ended in the seizure off Niuchwang, is now in Shanghai, but no part of that which I have written emanates from him, as he is now a violent enemy of Adolph Spitzel.

If you still desire to obtain a copy of his passport, if he has one, I will try to get it when he returns to this city.

I am, Sir,

Your obedient servant,

Signed: Jas. L. Rodgers,  
American Consul-General.



DIPLOMATIC BUREAU.

To the President's  
Secretary.  
Ack. *aaa*

No. 282.

June 29, 1905.

Mr. Griscom to Mr. Hay.

*File. SFS.*

*Actd.  
To President's Secy  
July 18*

Subject:- Attitude of Japanese political parties towards  
the terms of peace.



UNITED STATES LEGATION,  
TOKIO.

No. 282.

June 29, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

Sir:

Referring to my despatch No. 276 of the 22nd instant and as a further illustration of the public sentiment in Japan respecting the terms of peace, I have the honor to enclose herewith translations of the resolutions that were passed yesterday at the meetings, held simultaneously, of the representatives in the Diet of the two great political parties, the Constitutionals (Seiyukai) and the Progressives.

The respective leaders of the two parties, Marquis Saionji and Count Okuma, addressed the meetings pointing out that the time demanded circumspection and forbade any definite declaration as to the terms of peace. The wording of the resolutions, however, plainly indicates that the political parties will expect the peace terms to include both an indemnity and the cession of territory, and such other measures as will guarantee a prospect of lasting peace.

By the terms of the Progressive resolutions it is stated that Korea is already under the protection of Japan and that the latter's actual power in Manchuria is recognized by the Powers. Russia must therefore be required to abstain in future from warlike operations threatening China's frontiers as well as from measures that menace the peace of Japan herself.

- 2 -

I have the honor to be,

Sir,

Your obedient servant,

*Lynd Crisam.*

Enclosures:

Translations of the resolutions of the Constitutional  
and Progressive parties, passed June 28, 1905.

Enclosure with Mr. Griscom's No. 282 of June 29, 1905.

Translation.

The Resolution of the Constitutionals.

Since the outbreak of hostilities our party has frequently published its views, soliciting the co-operation of the whole country in order to attain the object of the war and has done its best to render service to the Empire.

Now that the question of peace negotiations has been raised we do not consider it expedient, in view of the object for which we have opened hostilities and the condition of affairs at home and abroad, to enumerate at the present juncture the terms upon which we desire that peace shall be concluded. Yet the acquisition of territory, the receipt of an indemnity and the definite solution of all questions regarding Korea and Manchuria that relate to the future security of the rights and interests of our Empire and the ~~permanent~~ preservation of the permanent peace of the Far East must, ~~must~~ in compliance with the Imperial Rescript declaring war, be effected.

This resolution shall be presented to the authorities and every measure taken to carry it out.

### Resolution of the Progressive Party.

In view of the fact that the actual warlike operations in which our nation is engaged are developing day by day and the fact that the negotiations for peace will take place more than a month hence, we do not judge that the time is opportune to attempt to enumerate the terms of peace in detail at present. But viewed from the standpoint of the Declaration of War and the future welfare of the Empire it is evident that there must be an unalterable general idea as to the terms.

Since the outbreak of war the <sup>people</sup> ~~nation~~ at home have served their country with earnest enthusiasm, realizing that the very existence of the Empire depends upon the successful issue of the war; and at the front our forces have fought with skill and bravery on land and sea and have gained victories unprecedented. If we should fail now by diplomacy to reap the fruits of these glorious victories not only will the permanent peace of the Orient be threatened but even the safety of the Empire cannot be assured.

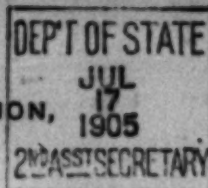
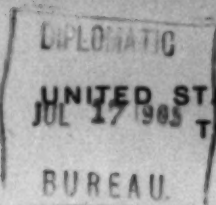
If therefore peace is now to be re-established we must demand an indemnity sufficient to cover the loss that we have sustained, the cession of territory important enough to guarantee the peace of the Far East, and the prohibition of any military enterprises at points that menace our national safety. Korea is already under our protection and our actual power in Manchuria is recognized by the Powers. It is therefore reasonable to demand that Russia abandon her privileges in Korea and Manchuria and be prevented from interfering with our enterprises there. As China's inability to defend herself has often been the

cause of trouble to her neighbors, Russia must at this juncture be required to abstain from any undertaking likely to menace the Chinese frontiers, thus removing the possibility of international complications in this connection.

The above is in outline the views entertained by our party with regard to the terms of peace. Unless these general principles be insisted upon, the great war waged for our national existence must be said to have been in vain. Our party announces its views at this juncture, now that the question of peace has been broached, being prompted by a desire to promote by suitable measures the interests of our Sovereign and the Empire.



No. 283



DIPLOMATIC BUREAU

To Navy.  
Act.

*adh*

June 29, 1905.

*Acad's  
to Navy  
July 13, 1905  
E*

*[Signature]*

MR. GRISCOM TO MR. HAY.

SUBJECT: Hakodate Consular-Agent's report:--Military and  
naval activity in the north of Japan;--Expedition  
possibly against Saghalien or Vladivostock.



UNITED STATES LEGATION,  
TOKIO.

No. 283.

June 29, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

I have the honor to transmit herewith as of interest to the Department, a communication I have just received from the Consular-Agent at Hakodate containing information of military and naval activity in the north of Japan, and giving some indication of the possible objective points of these movements.

I would add that Mr. King telegraphs today as follows:

"Yakumo, Itsukushima, 3 destroyers,  
"3 auxiliary cruisers, 6 transports,  
"10,000 infantry, from Aomori left for  
"the north.

There is nothing to indicate whether this is an expedition to Saghalien or a movement against Vladivostock.

I have the honor to be,

Sir,

Your obedient servant,

*Leo H. Griscom.*

ENCLOSURE: Mr. King to Mr. Griscom, June 24, 1905, copy.

ENCLOSURE WITH MR. GRISCOM'S NO. 283 OF JUNE 29, 1905.

COPY.

Consular Agency of the U. S. A.

No. 247.

Hakodate, Japan, June 24, 1905.

H.E. Lloyd C. Griscom,

Ac. Ac., Ac.

S i r :

A squadron under the command of Vice-Admiral Sawa, is expected to arrive at Aomori, within the next two days.

There is at present at Aomori, some 30,000 men, also a large quantity of stores, guns, and etc. and the men who belong to the newly formed 13th Division, are expected to leave there prior to the end of this month.

At the same time, the armed cruiser squadron, consisting of the "Nippon", "Hongkong" and "Karasaki Maru's", which vessels have been stationed here for some time, will leave for Otaru, where there are some 12,000 to 15,000 men, and who it is privately reported will also leave by the end of this month.

The ships are under the command of Rear-Admiral Inouye, whose flagship is the "Hongkong Maru".

Judging by the number of troops, I should say, that those at Otaru, will proceed to Saghalien: while the army at Aomori, will be dispatched to Vladivostock.

I am, etc.,

Signed: E. J. King,

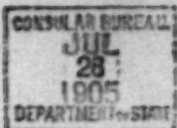
Consular Agent.

*Consul Bureau.*

UNITED STATES LEGATION,  
TOKIO.

No. 284.

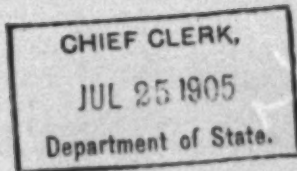
June 30, 1905.



**File.**



Mr. Griscom to Mr. Hay.



SUBJECT:-Salary of Consul General at Yokohama.

Approves request for increase.



UNITED STATES LEGATION,  
TOKIO.

No. 284.

June 30, 1905.

To the Honorable John Hay,  
Secretary of State,  
Washington.

S i r :

Referring to Consul-General Miller's No. 5,  
of the 28th instant, wherein he requests that the salary  
of his post be raised from four thousand to five thousand  
dollars per annum, I have the honor to state that I have  
carefully examined the matter and as a result am glad to  
be able to endorse all that Mr. Miller says. I will  
respectfully urge upon the Department the importance of  
increasing Mr. Miller's salary, which is, to my knowledge,  
insufficient to meet the increased cost of living in  
Yokohama upon the scale consistent with the rank and  
importance of the Consul- General of the United States.

I have the honor to be,

Sir,

Your obedient servant,

*L. J. B. Smith.*

100  
JUL 25 1905  
BUREAU

UNITED STATES LEGATION.  
TOKIO, JAPAN.

No. 285.

July 3, 1905.



Mr. Griscom to the Department of State.



SUBJECT:-Movements of troops and naval vessels at Hakodate  
and Aomori.

CHIEF CLERK,  
JUL 25 1905  
Department of S

UNITED STATES LEGATION,  
TOKIO.

No. 285.

July 3, 1905.

To the Honorable

The Secretary of State,

Washington.

Sir:-

Referring to my despatch No. 283, of June 29, 1905,  
I have the honor to transmit herewith copies of reports dated  
June 28 and 29, 1905, from Consular Agent King at Hakodae,  
relative to the movements of Japanese troops and naval vessels  
at that port and at Aomori.

I have the honor to be,

Sir,

Your obedient servant,

*Leopoldo Griscom*

ENCLOSURES-Copies:-

1. Mr. King to Mr. Griscom, June 28, 1905.
2. Mr. King to Mr. Griscom, June 29, 1905.

Enclosure No. 1, with Mr. Griscom's No. 285, of July 3, 1905

C O P Y .

Hakodate,

No. 249.

28th June, 1905.

H. E. Lloyd C. Griscom,  
American E. E. and M. P. to Japan,  
Tokio.

Sir:

The "Yakumo Kan", flagship of Vice-Admiral Dewa, in company with two cruisers and three destroyers, also the transports "Tamba", "Kaga" and "Shinano Maru's", arrived at Aomori on the 26th, and three more transports are due there to-day.

The troops are ready to embark, and the expedition will most probably leave to-morrow for Saghalien.

The balance of the troops in this vicinity will leave towards the end of this month, or early next month for Vladivostock.

I am, Sir,

Your obedient servant,

Signed: E. J. King

Consular Agent.

Enclosure No. 2 with Mr. Griscom's No. 285 of July 3, 1905.

C O P Y .

Hakodate,

No. 265.

29th June, 1905.

H. E. Lloyd C. Griscom,  
American E. E. and M. P. to Japan,  
Tokio.

Sir:

I have to confirm the following telegram sent to you  
this morning

(As deciphered:-

Yakumo, Itsukushima, 3 destroyers, 3 auxiliary cruis-  
ers, 6 transports, 10,000 infantry, from Aomori left for the  
north.)

Information has been received here, that the barks  
"Antiope", and "C. D. Bryant", also Steamers "Centennial",  
"Montara", and "Australia", have left Pacific Coast Ports,  
for Saghalien and Kamschatka, loaded with provisions and  
military stores, and vessels have been detailed for their  
capture.

The "Antiope", and "Montara", are British vessels,  
while the other three are American.

I am, Sir,

Your obedient servant,

Signed: E. J. King

Consular Agent.

DIPLOMATIC BUREAU.

UNITED STATES LEGATION  
TOKIO, JAPAN.



*Ask & file*  
*aaq*



No. 286.

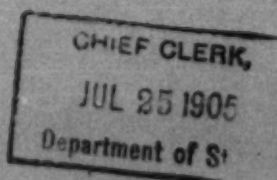
July 3, 1905.



Mr. Griscom to the Secretary of State.

*Actis*  
*Jul 27 1905*  
*[Signature]*

Subject: Opening of Manchurian towns to Japanese  
merchants for residence and trade; confirm-  
ing telegram of June 29, 1905.



UNITED STATES LEGATION.  
TOKIO, JAPAN.

No. 286.

July 3, 1905.

To the Honorable ,  
The Secretary of State,  
Washington.

Sir:

I have the honor to report that on the 25th ultimo there appeared in the "Jiji Shimpō", one of the leading vernacular newspapers, a telegram dated Yingkow, June 24, stating that from July 1st the Manchurian cities of Tashikao, Old Newchwang, Haicheng, Anshantien, Liaoyang, Kaiping, Fenghwangcheng and Saimachi had by proclamation of the Japanese military commander been opened to Japanese merchants for travel and trade.

In view of the advantage thus given to Japanese merchants in Manchuria I at once made inquiry of the Minister for Foreign Affairs as to the truth of the report and was informed that it was correct; but that it was a purely military measure, the intention being to introduce carefully selected merchants as a convenience to the military authorities.

Whether this measure be justified or not, its exclusive nature gives an advantage to Japanese merchants throughout a large portion of Manchuria which it will be very difficult for traders of other nationalities to overcome. I therefore deemed the matter of sufficient importance to necessitate bringing it to your immediate notice and I thereupon sent you a telegram which I have now the honor to confirm, reading as follows:

Secstate, Washington.

June 29, eleven p.m. . The Japanese military  
commander

UNITED STATES LEGATION.  
TOKIO, JAPAN.

- 2 -

✓  
commander has by proclamation opened to Japanese merchants for travel and trade the following Manchurian towns: Tashikiao, Old Newchwang, Haicheng, Anshan-tien, Maoyang, Kaiping, Fenghwangcheng, Saimachi. In view of the advantage thus given Japanese merchants I made inquiry to-day of the Minister for Foreign Affairs and was informed that it is (a) purely military measure.

Griscom.

I have the honor to be,

Sir,

Your obedient servant,

*Logsduncan.*

ACE

UNITED STATES LEGATION.  
TOKIO, JAPAN.

DELOUATIG

JUL 25 1905

BUREAU.

No. 287.

July 6, 1905.



ackd.  
July 26  
[Signature]

Mr. Griscom to the Secretary of State.

Subject:- Death of the Honorable John Hay.

CHIEF CLERK,  
JUL 25 1905  
Department of State.



UNITED STATES LEGATION,  
TOKIO.

No. 287

July 6, 1905.

To the Honorable

The Secretary of State,  
Washington.

Sir:

I have the honor to confirm the Department's telegram received the morning of the 2nd instant, as follows:

"Lloyd C. Griscom,

"American Minister,

"Tokio.

"Secretary Hay died unexpectedly at twelve twenty-five  
"this morning. Notify Government, and display usual sym-  
"bols of mourning.

"Peirce, Acting."

This Legation and our Consulates in Japan are in mourning and the flags will remain at half-mast for a period of ten days.

I at once communicated the sad news to the Minister for Foreign Affairs. A copy of his reply, containing very kindly and courteous expressions of respect for the late Secretary of State, is herewith enclosed.

It may be fairly said that the death of no American in recent years has met in Japan such sincere and universal regret as that of our lamented Secretary of State. Newspapers of every shade of politics have united in giving vent to lengthy expressions of admiration for his character and work. The great policies which he inaugurated have

more

more nearly affected the Far East than any other part of the world. There could be no higher tribute to their success than that from the scene of their active operation should come at this time the most sincere and heartfelt eulogies of their great author. The inestimable value of his work will surely be inscribed on the pages of all histories of the East, and here at least will it be carried down for generations in the memory of man.

The loss suffered by our diplomatic and consular services in the death of Mr. Hay is thoroughly appreciated by all of us who have been working in Japan under his direction and guidance. We propose in the near future to express in the form of a resolution addressed to Mrs. Hay our profound sympathy and respect for the grief in which we share.

I have the honor to be,

Sir,

Your obedient servant,

*Leo C. Griscom.*

Enclosure:

Baron Komura to Mr. Griscom, July 3, --copy.

Enclosure with Mr. Griscom's No. 287, July 6, 1905.

(Copy)

Translation.

DEPARTMENT OF FOREIGN AFFAIRS,

No. 39.

Tokio, July 3, 1905.

His Excellency Lloyd C. Griscom,

etc., etc., etc.

Monsieur le Ministre,

In acknowledging the receipt of Your Excellency's note No. 153 dated the 2nd instant, informing me that the Honorable John Hay, Secretary of State of the United States, died on the 1st instant, I have the honor to request that you will be good enough to inform your Government that my Government as well as myself, appreciating the kindly consideration shown by Mr. Hay during his life-time toward this country, have learned the sad news with feelings of the most profound sorrow.

I beg to add that His Majesty the Emperor, my August Sovereign, to whom I hastened to submit the telegraphic intelligence of the sad event which I received from Mr. Takahira, was pleased to send a telegraphic message of condolence to His Excellency the President of the United States.

I avail etc.

Signed: Baron Komura Jutaro,  
Minister for Foreign Affairs.

*File*

UNITED STATES LEGATION.  
TOKIO, JAPAN.



No. 298.

July 6, 1905.

Mr. Griscom<sup>l</sup> to the Secretary of State.

Subject:-- Mr. Hunter Sharp's formal recognition as  
Consul of the United States at Kobe.



UNITED STATES LEGATION.  
TOKIO, JAPAN.

No. 288.

July 6, 1905.

To the Honorable,  
The Secretary of State,  
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 127, of June 6, enclosing the commission of Mr. Hunter Sharp, of North Carolina, as Consul of the United States at Kobe, Japan, and directing me to apply to the Foreign Office for the formal recognition of Mr. Sharp in his official capacity.

On June 21 I requested the Minister for Foreign Affairs that Mr. Sharp be temporarily recognized as Consul of the United States at Kobe, pending the arrival of his commission, which was granted. To-day I have made application to the Japanese Government for Mr. Sharp's formal recognition in his official capacity and will notify him of the result at his post.

I have the honor to be,

Sir,

Your obedient servant,

*L. G. Schreiner.*

W.C.C. 3. P.

TELEGRAM RECEIVED.



32 usg

From Tokio

July 7, 1905.

Received

1056 A.M.  
July 7, 1905



Sec State,

Wash.

Seventh The Emperor

desire to have Secretary  
Taft Misses Roosevelt  
Boardman MacMillan  
Messrs Root Thompson  
Carpenter Pedigo as  
his guests in detached

DEPARTMENT OF STATE

JUL 7 10 00 AM 1905

CHIEF CLERK'S OFFICE

imperial palace during

stay Tokio. Answer expected

Griscom



UNITED STATES LEGATION.  
TOKIO, JAPAN.

4-10-110  
JUL 25 1905

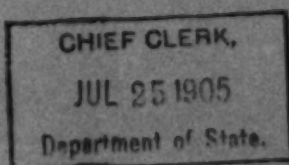
BUREAU.

No. 289.

July 7, 1905.

*Polk  
Am  
ack  
to war  
July 26 1905  
[Signature]*

Mr. Griscom to the Secretary of State.



Subject:- Martial law abolished in Formosa and the  
Pescadores.



UNITED STATES LEGATION.  
TOKIO, JAPAN.

No. 289.

July 7, 1905.

To the Honorable,  
The Secretary of State,  
Washington.

Sir:

I have the honor to report that, by Imperial Ordinance No. 193 published in to-day's Official Gazette, martial law has been abolished from this date in Formosa and the Pescadores.

I have the honor to be,

Sir,

Your obedient servant,

*L. de C. S. C.*

*Handwritten initials: HRC*

UNITED STATES LEGATION.  
TOKIO, JAPAN.

JUL 25 1905

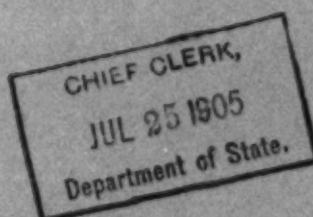
No. 290.

BUREAU.  
July 7, 1905.



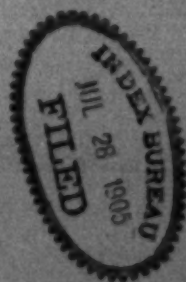
*Handwritten notes:*  
To Mr. Griscom  
From Mr. [illegible]  
[illegible]  
[illegible]  
[illegible]

Mr. Griscom to the Department of State.



SUBJECT:-Organization of Ministry of Finance of Japan.

Synoptical Statement enclosed.



UNITED STATES LEGATION,  
TOKIO.

No. 290.

July 7, 1905.

To the Honorable

The Secretary of State,

Washington.

Sir:-

For the information of the Honorable the Secretary of the Treasury I have the honor to transmit herewith a Synoptical Statement respecting the Assignment of Official Business under the Control of the Minister of State for Finance of the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd A. Wiscom.*

ENCLOSURE:-Synoptical Statement, as above.

# Synoptical Statement respecting the Assignment of Official Business under the Control of the Minister of State for Finance.

## Synopsis I.

### I. Minister's Cabinet.

#### A. Secretariat:

*Has the charge of matters relating to*

1. Official secrets;
2. Promotion, removal, and status of officials;
3. Safe-keeping of the official seals of the Minister and the Vice-Minister, and the Departmental seal.

#### B. Section of Archives:

*Has the charge of matters relating to*

1. Compilation and preservation of official documents;
2. Receipt and dispatch of official documents and written proposals;
3. Fair copies of official documents;
4. Reports to appear in the Official Gazette;
5. Translation of foreign documents;
6. Translation of official documents into foreign languages;
7. Drawing up of annual reports and of the business statistics of the Department;
8. Correspondence respecting financial affairs;
9. General affairs not belonging to other bureaux or sections of the Department.

#### C. Account Section:

*Has the charge of matters relating to*

1. Estimates and settled-accounts, and accounts of expenditures and various receipts under the control of the Department;
2. Inspection of accounts;
3. Security for good conduct of officials as treasurers under the control of the Department;
4. Receipt, delivery, and custody of various stamps;
5. Supervision of structures under the control of the Department;
6. Articles belonging to the Department;
7. Maintenance and preservation of buildings under the direct control of Department, in respect of which payments cannot be made out of the appropriation for construction and repair;
8. Maintenance of order in the Department.

#### D. Section of Construction and Repair:

*Has the charge of matters relating to*

1. Administration and superintendence of Government property under the control of the Department;
2. Increase, decrease, and other changes in Government property under the control of the Department;
3. Registration in the Register for Government property under the control of the Department;
4. Arrangement of plans relating to Government property under the control of the Department;
5. Undertaking, direction, and superintendence of works belonging to the Department;
6. Maintenance and preservation of buildings belonging to the Department.

#### A. Section of Budget Estimates and Settled Accounts:

*Has the charge of matters relating to*

1. General budget and general settled-accounts;
2. Estimates and settled-accounts of special accounts;
3. Disbursements out of the reserve fund;
4. Items of receipt and disbursement;
5. Provisions relative to accounts;
6. Accounts relative to purchase, custody, and disposal of articles;
7. Supervision of officials as treasurers and security deposited for their good conduct;
8. Annual accounts of and state grants to prefectures, rural districts, cities, towns, villages, and other public corporations.

#### B. Section of Book-keeping:

*Has the charge of matters relating to*

1. Estimates of payments;
2. Bringing forward of the balance of fixed expenditures, disbursements made after the close of the fiscal year for which they were appropriated; return of the balance of fixed expenditures; and disbursements made prior to the opening of the fiscal year for which they were appropriated;
3. Registration in accountants' books;
4. Making out of actual accounts of the revenue and expenditure.

#### A. Section of Internal Revenue:

*Has the charge of matters relating to*

1. Imposition of inland taxes;
2. Control and supervision of inland taxation;
3. Changes in the classification of private land;
4. Cadastres;
5. Measures to be taken in case of infringement of indirect national tax laws and regulations;
6. Various receipts of prefectures, cities, towns, villages, and other public corporations.

#### B. Customs Section:

*Has the charge of matters relating to*

1. Imposition of customs duties, tonnage dues, and various customs receipts;
2. Control and supervision of business connected with customs duties;
3. Supervision of vessels engaged in foreign trade and articles of export and import;
4. Control and supervision of public and private bonded warehouses, customs free depots, and customs warehouses;
5. Comparative table of Japanese and foreign currency to be used for the conversion of the original values of imported articles;
6. Investigation of the condition of foreign trade;
7. Customs tariff;
8. International Customs Journal;
9. Grants for exportation of tobacco, temporary importation, goods in transit, and drawbacks;
10. Investigation respecting foreign trade organs;
11. Investigation respecting customs legislation and systems.

#### C. Monopoly Working Section:

*Has the charge of matters relating to*

1. Collection, sale, exportation, and importation of salt;
2. Collection, re-manufacture, sale, and exportation of camphor and camphor oil;

### II. Accountants' Bureau.

#### Councillors

Deliberate and draw up projects by order of the Minister, and do work according to circumstances, in addition to their proper duties, in bureaux and sections, or assist by special order in the business thereof.

### III. Revenue Bureau.

Has the general direction of the financial affairs of the Government; controls business connected with accounts, receipts and disbursements, taxes, tobacco, camphor, camphor oil, and salt monopolies, national debt, coinage, money deposits, goods in custody, trusts, and banks; and superintends the financial affairs of prefectures, rural districts, cities, towns, villages, and public corporations.

Minister of State  
for Finance.

Vice-Minister  
of Finance.

Assists the Minister; regulates Departmental affairs; and superintends the business of the various bureaux and sections of the Department.

banks; and superintends the financial affairs of prefectures, rural districts, cities, towns, villages, and public corporations.

of the Department.

tions, or assist by special order in the business thereof.

### III. Revenue Bureau.

### IV. Finance Bureau.

- articles;
6. Investigation of the condition of foreign trade;
7. Customs tariff;
8. International Customs Journal;
9. Grants for exportation of tobacco, temporary importation, goods in transit, and drawbacks;
10. Investigation respecting foreign trade organs;
11. Investigation respecting customs legislation and systems.

#### C. Monopoly Working Section:

*Has the charge of matters relating to*

1. Collection, sale, exportation, and importation of salt;
2. Collection, re-manufacture, sale, and exportation of camphor and camphor oil;
3. Restrictions upon the manufacture of salt, camphor, and camphor oil;
4. Control and supervision of monopoly business with respect to salt, camphor, and camphor oil;
5. Measures to be taken in case of infringement of laws relative to salt, unrefined camphor, and camphor oil monopolies;
6. Location and districts under jurisdiction, of salt monopoly offices and camphor monopoly bureaux.

#### D. Monopoly Technical Section:

*Has the charge of matters relating to*

1. Manufacture and examination of salt, camphor, and camphor oil;
2. Appraisal and preservation of salt, camphor, and camphor oil.

#### E. Section of Collection and Account:

*Has the charge of matters relating to*

1. Investigation respecting estimates and settled accounts of national taxes and various other receipts;
2. Collection of taxes;
3. Various receipts other than taxes under the control of the Finance Department;
4. Various advances and loan of capital for enterprises;
5. Investigation and distribution of inland tax collection expenses, custom-houses expenditures, salt monopoly expenses, camphor and camphor oil monopoly expenses, and expenses for the construction and repair of revenue inspection bureaux, custom-houses, salt monopoly offices, and camphor monopoly bureaux;
6. Special methods of payment in regard to inland tax collection expenses, custom-houses expenditures, and salt monopoly expenses, and camphor and camphor oil monopoly expenses;
7. Examination of accounts of payment of inland tax collection expenses, custom-houses expenditures, salt monopoly expenses, camphor and camphor oil monopoly expenses, and expenses for the construction and repair of revenue inspection bureaux, custom-houses, salt monopoly offices, and camphor monopoly bureaux.

#### A. National Treasury Section:

*Has the charge of matters relating to*

1. Utilization, receipt, and disbursement of national funds;
2. Supervision of cash offices;
3. Control of the receipts and disbursements of the national treasury;
4. Registration in the books of the national treasury;
5. Accounts of the receipts and disbursements of the national treasury;
6. Money deposits, and articles in custody and those held in trust;
7. Chinese indemnity and special funds;
8. Coins;
9. Circulation of money.

#### B. National Debt Section:

*Has the charge of matters relating to*

1. Floating, contraction, and redemption of national debts;
2. Registration in the national debt books;
3. Issue, receipt, and disposal of paper money, national loan bonds, treasury bills, and deeds for temporary debts;
4. Making out of national debt accounts;
5. Payment of the principal and interest of national loans, and commission for management thereof, and disbursement of the fund for the exchange of paper money and sinking fund for the consolidated public loans;
6. Payment of annuities, pensions, and various hereditary pensions;
7. Receipts for and disbursements out of the natural calamities relief fund;
8. Fund for the exchange of national bank notes;
9. Public debts of prefectures, rural districts, cities, towns, villages, and other public corporations;
10. Supervision of local financial affairs.

#### C. Banks Section:

*Has the charge of matters relating to*

1. Banks;
2. Subsidies granted to banks;
3. Bank debentures;
4. Disposal of national bank notes;
5. Trusts.

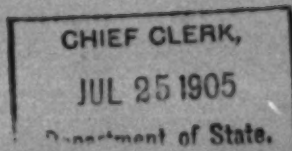
UNITED STATES LEGATION.  
TOKIO, JAPAN.



No. 291.

July 7, 1905.

Mr. Griscom to the Secretary of State.



Subject:- Personnel of the Japanese Peace Commission;  
the Imperial Message.



UNITED STATES LEGATION,  
TOKIO.

No. 291.

July 7, 1905.

To the Honorable,  
The Secretary of State,  
Washington.

Sir:

I have the honor to inform you that by the steamer "Minnesota" by which this dispatch will be carried to America will sail His Excellency Baron Jutaro Komura, Minister for Foreign Affairs, who goes to Washington as a Plenipotentiary to negotiate terms of peace.

Baron Komura will be accompanied by the following suite, whose names are set forth in their order of precedence:

H. W. Denison, Legal Adviser to the Foreign Office

Aimaro Sato, Minister Resident

Yenjiro Yamaza, Director of the Political Bureau in the  
Foreign Office

Mineichiro Adachi, First Secretary of Legation, Counsellor  
in the Foreign Office

Colonel Tachibana, Military Attaché to the Japanese Legation  
in Washington

Kumataro Honda, Secretary in the Foreign Office and Private  
Secretary to the Minister for Foreign Affairs

Kotaro Konishi, Attaché of Legation.

Baron Komura is too well known to the Department to need any explanation as to his distinguished position and high personal character. The appointment of a man of his rank and importance as a Plenipotentiary may be taken to

indicate

indicate the sincere spirit in which the Japanese Government seems to be entering upon the peace negotiations.

I have the honor to enclose herewith a translated copy of the Imperial Message received by Baron Komura yesterday at a special audience with His Majesty the Emperor.

I have the honor to be,

Sir,

Your obedient servant,

*Lloyd Garrison.*

ENCLOSURE:

Translated copy of Imperial Message.

Enclosure with Mr. Griscom's No. 291 of July 7, 1905.

Translation:

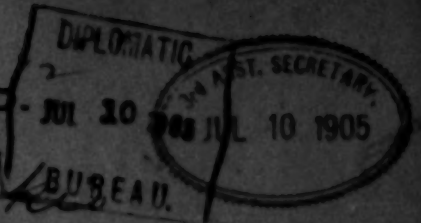
IMPERIAL MESSAGE.

The President of the United States, grieved to find that the war between Japan and Russia has not yet been brought to a close after the lapse of more than a year, and impressed with the urgent need, in the interest of peace and humanity, of terminating the conflict, has suggested to the two Governments that they should appoint plenipotentiaries and cause them to meet together and negotiate for peace. It was contrary to Our expectation that We were compelled to resort to arms in spite of Our constant and abiding wish for peace. If, in consequence of the conciliatory spirit of Our opponent, the hostilities could be brought to an end, nothing would be more satisfactory than such consummation. Accordingly We have at once accepted the suggestion of the President of the United States, and We hereby charge you with the mission of negotiating and concluding peace. You should devote yourselves with all your power to the discharge of your mission and make every effort to secure the re-establishment of peace on a durable basis.

DEPT OF

*McC.*

TELEGRAM RECEIVED



DEPT OF STATE  
JUL 10 1905  
2ND ASST SECRETARY

To Mr. Paine  
From  
Then Confirmed

*John* BUREAU

July 8, 1905.

Received 9 55 AM

*Sec State,*

*Washn.*

*6/11/11*

Eighth Baron Komura  
Peace Plenipotentiary  
Sailed today Steamer  
Minnesota  
Grissom

DEPARTMENT OF STATE

JUL 8 9 58 AM 1905

CHIEF CLERK'S OFFICE

TELEGRAM RECEIVED IN CIPHER.

DIPLOMATIC

JUL '11 1905

BUREAU.

DEPT OF STATE

JUL  
10  
1905

ASST SECRETARY

DIPLOMATIC BUREAU.

*Given to press. From* Tokio, July 9, 1905.

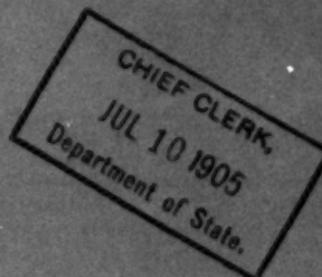
*Confirm. aag*

*Amjd 7/10/05*

Secretary of State,  
Washington.

Saghalien has been occupied by Japanese military  
expedition.

Griscom.



Forwarded by the Chief Clerk's Office, July 10, 1905.

DIPLOMATIC

JUL 13 1905

## TELEGRAM RECEIVED IN CHINA

*Sent July 12  
Confirm both*

DEPARTMENT OF STATE

JUL 12 10 04 AM 1905

*From*

Tokio, July 12, 1905.

(Received 7:50 a.m.)

CHIEF CLERK'S OFFICE

Secretary of State,

Washington.

*Copy  
7/14/05  
J. P. J.*

July 12, 3 p.m. I have carried out explicitly instructions of the President contained in your telegram received July tenth. Minister for Foreign Affairs ad interim now asks me to inform the President by telegraph that the Emperor hopes he will reconsider the matter in view of the fact that the courtesy which it is desired to show Mr. Taft is not unusual, having been shown General Kuropatkin, visiting Tokyo as Minister of War, June, 1903, and to Count Waldersee. I stated that Miss Roosevelt would be obliged to stay at the legation, chaperoned by Mrs. Griscom. He said that the Emperor would understand this, but that the Emperor hoped Mr. Taft would be his guest even if he remains but one day.

GRISCOM.

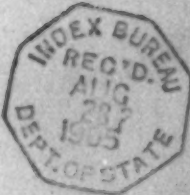


Deciphered by the Chief Clerk's Office, July 12, 1905. 10:00 a.m.

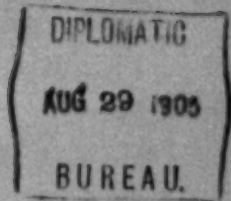
UNITED STATES LEGATION,  
TOKIO.

No. 292.

July 13, 1905.



*To Treasury for Director  
of the Mint. Send to  
original report. [Signature]  
[Signature] [Signature]  
[Signature] [Signature]  
[Signature] [Signature]*



Mr. Griscom to Department of State.

SUBJECT:-Coinage, Currency and Mint of Japan during 1904.  
Report for Secretary of the Treasury.

UNITED STATES LEGATION,  
TOKIO.

No. 292.

July 13, 1905.

To the Honorable

The Secretary of State,  
Washington.

Sir:-

For the use of the Honorable the Secretary of the Treasury, and in compliance with the Department's Circular of December 17, 1904, I have the honor to transmit herewith a translation of a report upon the Coinage, Currency and Mint of Japan for the year 1904.

I have the honor to be,

Sir,

Your obedient servant,

*L. H. C. H. S. C. A. N.*

ENCLOSURE:-Translation of Report, as above.

UNITED STATES LEGATION,  
TOKIO.

No. #

July 17, 1905.

DIPLOMATIC

AUG 7 1905

BUREAU.



*From Major Ritchie*

*4. Prof. n. Wilcher  
Aug. 8 File 248*

MR. GRISCOM TO THE SECRETARY OF STATE.



SUBJECT: Japanese delegates to annual meeting of the Association of Military Surgeons of the United States.



No. —

UNITED STATES LEGATION,  
TOKIO.

July 17, 1905.

To the Honorable  
The Secretary of State,  
Washington.

S i r :

I have the honor to acknowledge the receipt of the department's unnumbered instruction of May 8, wherein I am directed to extend in behalf of the Association of Military Surgeons of the United States an invitation to the Japanese Government to be represented by delegates from its military and naval services at the Association's 14th annual meeting, to be held at Detroit, Michigan, on September 26, 27, and 28 next.

In communicating this invitation I included, as instructed, an expression of the pleasure with which my Government would learn of its acceptance, and am now in receipt of a reply from the Minister for Foreign Affairs of which I enclose herewith a copy, informing me that while the Japanese Government regrets its inability under the present circumstances to despatch a military delegate, a naval surgeon will be commissioned to attend the Meeting. Count Katsura adds that the name of this officer will be communicated to this Legation as soon as the actual appointment is made.

I have the honor to be,

Sir,

Your obedient servant,

*L. H. Schuman.*

ENCLOSURE WITH MR. GRISCOM'S NO. — OF JULY 17, 1905.

COPY.

Translation.

No. 41.

Department of Foreign Affairs,  
Tokio, July 10, 1905.

His Excellency

Lloyd C. Griscom,  
    &c.,   &c.,   &c.

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's note of the 14th ultimo, extending to the Imperial Government in behalf of the Association of Military Surgeons of the United States, an invitation to despatch delegates from their Military and Naval services to the 14th Annual Meeting of the Association to be held at Detroit, Michigan, on the 26th, 27th, and 28th of September next. I have the honour to intimate Your Excellency that I have been informed by the Departments of Army and Navy, to which the matter was immediately referred, to the effect that while the former regrets its inability under the present circumstances to despatch any delegate, the latter will despatch a surgeon to the said meeting, whose name I shall communicate to Your Excellency as soon as the actual appointment is made.

I avail, etc.,

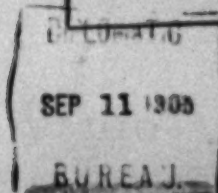
Signed: Count Katsura Taro,  
Minister for Foreign Affairs.

UNITED STATES LEGATION,  
TOKIO.

No. 293.

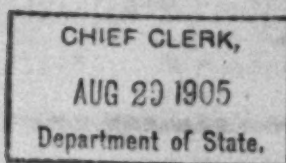
August 1, 1905. SEP 8 1905

ASSISTANT SECRETARY.



*Added  
Sept. 12  
Jui  
SP*

MR. GRISCOM TO THE SECRETARY OF STATE.



SUBJECT: Visit of the Honorable the Secretary of War and a  
Congressional delegation to Japan---Confirms tele-  
grams.



UNITED STATES LEGATION,  
TOKIO.

No. 293.

August 1, 1905.

To the Honorable  
the Secretary of State,  
Washington.

S i r :

*sure No 1*  
I have the honor to confirm, as enclosed herewith, an exchange of telegrams between the Department and this Legation in relation to the visit of Mr. Taft, Secretary of War, and a Congressional delegation, to Japan, and more especially with regard to the offer of His Majesty the Emperor to place at the disposal of Mr. Taft during his visit the Shiba Detached Palace.

When Mr. Taft and the Congressional delegation accompanying him arrived in Japan they were the recipients of such a remarkable reception at the hands of the Japanese Government and people that it is worthy of very especial mention.

When the "Manchuria" reached Yokohama on July 25th Mr. Taft and party were met at the dock by the Governor and Mayor of Yokohama and the leading city officials; a Court Chamberlain, Mr. Seigo Nagasaki, representing the Ministry of the Imperial Household; Mrs. Nagasaki, representing the household of Her Majesty the Empress; Count Terashima, representing the Ministry for Foreign Affairs; the members of this Legation and a large crowd of Japanese dignitaries and American residents in Japan. In carriages provided by the Imperial Household Mr. Taft, Miss Roosevelt and the leading members of the party were conducted first to a small detached palace belonging to the Emperor, and then to the railroad station, where the whole party embarked for Tokio. Upon arrival at Tokio

the

the station presented one of the most remarkable scenes of its kind that has ever been witnessed in Japan. A crowd of many people surrounded the station and on the platform were several Cabinet Ministers, hundreds of Government officials of the highest rank, representing all branches of the Government, and representatives of many of the societies and guilds of Japan. Upon leaving the station the streets were found to be lined for a mile or more with masses of people waving Japanese and American flags and loudly cheering the American delegation. The reception had a spontaneous and enthusiastic character which betrayed a very friendly feeling on the part of the Japanese people for America and Americans.

Mr. Taft, accompanied by General Bliss, Colonel Edwards, Major Edie, Captain Thompson and Captain Kelly, proceeded to the Shiba Detached Palace, which had been placed at his disposal by the Emperor, and was there lodged during his stay of four days in Tokio. The official members of the delegation and their wives, numbering fifty-three in all, were housed by the members of this Legation and a few friends, including Count Arco Valley, the German Minister, who courteously provided quarters for five members of the party. That same evening a dinner was given by Viscount Tanaka, Minister of the Imperial Household, at the Shiba Detached Palace in honor of Mr. Taft and Miss Roosevelt.

Upon the following day I presented the official members of the party to His Majesty the Emperor, and Mrs. Griscom presented the ladies of the party to the Crown Princess, who acted for the Empress on account of the latter's indisposition. After the audience the whole party were invited to a luncheon and were seated at the same table with the Emperor and Crown Princess and three or four of the Imperial Princes and Princesses. In the

audience

audience previous to the luncheon Mr. Taft and his Majesty exchanged friendly greetings and after the luncheon the Emperor informed Mr. Taft that as a special mark of his pleasure in the visit of such a distinguished party of Americans he would throw open to them the Imperial garden connected with the palace. I may mention that this garden has never hitherto been opened to any foreigner, although during the past years many European Princes and personages have visited Japan and been the guests of the Emperor. It was the only spot in Japan which has hitherto been guarded from the view of foreigners, and indeed few Japanese other than high Court officials have been privileged to see these magnificent gardens. I hope I have made clear that in throwing open this park the Emperor intended to pay to Mr. Taft, Miss Roosevelt and the other members of the party a very unusual compliment absolutely without precedent. The party spent an hour or two in walking or driving about the gardens in carriages provided by His Majesty.

In the evening of the 26th of July Count Katsura, the Prime Minister and acting Minister for Foreign Affairs, gave a banquet at the leading European hotel and entertained the whole party.

On the 27th of July Prince Fushimi entertained Mr. Taft and his staff, Miss Roosevelt and the members of this Legation at luncheon. In the afternoon I gave a garden party in the grounds of this Legation, to which were invited over a thousand people, including the principal officials of the Japanese Government, members of the Diplomatic Corps and the Americans residing in Japan. In the evening the leading merchants and bankers of Tokio gave a dinner to the party in Japanese style and this is said to have been the finest Japanese entertainment ever given in Japan.

On the 28th of July General Terauchi, the Minister for War, entertained the whole party at luncheon in a pavilion erected for the occasion in a very beautiful garden attached to the principal arsenal of Tokio.

The party left Tokio for Kyoto by a special train provided through the courtesy of the Japanese Government and after spending a day enjoying various entertainments provided for them in Kyoto they boarded the steamer "Manchuria" in the harbor of Kobe on the evening of the 30th. After leaving Tokio the party were accompanied by Mr. Laughlin, the Second Secretary of this Legation; Mr. Nagasaki, representing the Emperor; Mrs. Nagasaki, representing the Empress; and Count Terashima, representing the Prime Minister. The journey from Tokio to Kyoto was in the nature of a triumphal procession, as at every station thousands of enthusiastic Japanese carrying banners and American flags greeted the party.

The public press of Japan gave to the party a very cordial welcome and it was clearly understood that they were merely travellers enroute for the Philippines and that the visit at this particular period had no particular political significance. A number of speeches of welcome were made but in no case was any mention made of the war nor any delicate topics of a nature to offend Russian sensibilities.

During the whole visit of the party Mr. and Mrs. Nagasaki were in constant attendance on Mr. Taft and Miss Roosevelt and the members of the party and devoted themselves entirely to looking after their comforts and convenience. Count Terashima and Mr. Yoshida acted in a similar capacity, representing the Ministry of Foreign Affairs. In view of such special courtesies having been shown by the Japanese Government I considered it advisable to make some formal written acknowledgment thereof and

have

have therefore this day addressed to Count Katsura, the acting Minister for Foreign Affairs, and to Viscount Tanaka, the Minister of the Imperial Household, notes, copies of which are enclosed herewith, containing expressions of appreciation of the kindnesses and attentions shown the party.

I have the honor to be

Sir,

Your obedient servant,

*Lloyd Griscom.*

- Enclosure No. 1: Copies of telegrams exchanged on July 7, 10, 12 and 13.
- Enclosure No. 2: Mr. Griscom to Count Katsura Aug. 1, 1905
- Enclosure No. 3: Mr. Griscom to Viscount Tanaka Aug. 1, 1905.

Enclosure No. 1, with Mr. Griscom's No.

August 1, 1905.

Telegram sent July 7, 1905.

"Secstate Washington.

Seventh. The Emperor desires to have Secretary Taft, Misses Roosevelt, Boardman, MacMillan, Messrs Root, Thompson, Carpenter, Pedigo, as his guests in detached Imperial Palace during stay in Tokyo. Answer expected."

"Griscom".

Telegram received July 10, 1905, 12.30 P.M.

"Griscom, Tokio.

The President directs me to instruct you to explain to the Emperor with all diplomatic tact and with every expression of the President's gratitude and appreciation that he is deeply sensible of the courtesy which the Emperor desires to offer to Secretary Taft and those with him but that inasmuch as the Russians have already shown some sensitiveness about Secretary Taft visit to Japan the President feels that it would be advisable especially in view of the peace negotiations that Secretary Taft's visit should be of as informal a character as possible and it would be better not to have any of the party stay at the detached Imperial palace."

"Peirce."

Telegram sent July 12, 1905.

"Secstate Washington.

July 12, 3 P.M. I have carried out explicitly the instructions of the President contained in your tele-

gram

gram received July tenth. (The) Minister for Foreign Affairs 'ad interim now asks me to inform the President by telegraph that the Emperor hopes he will reconsider the matter in view of the fact that the courtesy which it is desired to show Mr. Taft is not unusual having been shown General Kuropatkin visiting Tokyo as Minister of War June nineteen three and to Count Waldersee. I stated that Miss Roosevelt would be obliged to stay at the Legation chaperoned by Mrs. Griscom. He said that the Emperor would understand this but that the Emperor hoped Mr. Taft would be his guest even if he remains but one day."

"Griscom".

Telegram received July 13, 10.30 A.M.

"Amlegation, Tokio.

Answering your telegram of the twelfth, the President approves of Miss Roosevelt staying at the Legation, and Secretary Taft, together with whoever else the Emperor desires, staying at the Palace. Period. The President wishes his cordial thanks and regards expressed to the Emperor."

"Adee."

August 1, 1905.

C O P Y .

August 1, 1905.

Monsieur le Ministre,

I have the honor to request Your Excellency to convey to His Majesty the Emperor an expression of the high appreciation of Mr. Taft of the gracious hospitality of His Majesty in extending to Mr. Taft and his staff the use of the Shiba Detached Palace during their recent stay in Tokio.

The many courtesies extended to Miss Roosevelt, designated as they doubtless were to express in some measure the high esteem of the Japanese people for her illustrious father, the President of the United States cannot fail to be for him a matter of sincere gratification.

On behalf of the other members of the American delegation I desire to state that they will carry away with them an indelible impression of the many attentions and kindnesses shown them by all branches of His Imperial Majesty's Government and by the Japanese people.

I beg to thank Your Excellency on my own part for the unfailing courtesy of the officials of your Department and for the ready assistance rendered by them to the members of this Legation in arranging the many details connected with the reception and entertainment of such a numerous body of foreign travellers.

The circumstances and incidents of this visit have been brought to the knowledge of the American public, and such friendly treatment accorded so many distinguished American citizens cannot fail to have an admirable effect in further strengthening the cordial relations existing

between

between the two people.

I avail myself of this occasion to renew to  
Your Excellency the assurances of my highest consideration.

Signed: Lloyd C. Griscom.

To His Excellency

Count Katsura Taro,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Enclosure No. 3, with Mr. Griscom's No.

August 2, 1905.

C O P Y .

August 1, 1905.

Monsieur le Ministre,

I have already requested His Excellency Count Katsura, the Acting Minister for Foreign Affairs, to convey to His Majesty the Emperor an expression of the high appreciation of Mr. Taft of the gracious hospitality of His Imperial Majesty in extending to Mr. Taft and his staff the use of the Shiba Detached Palace during their recent stay in Tokio.

I desire, however, furthermore to thank Your Excellency on my own behalf for the unfailing courtesy of the officials of your Department and for the ready assistance rendered by them to the members of this Legation in arranging the many details connected with the reception and entertainment of such a numerous body of foreign travellers.

Mr. Taft and Miss Roosevelt desire me to make special mention to Your Excellency of their appreciation of the services of Mr. and Mrs. Seigo Nagasaki, to whose kind attentions is due much of the pleasure derived by Mr. Taft and Miss Roosevelt from their visit to Japan.

I avail myself of this occasion to convey to Your Excellency the renewed expressions of my highest consideration.

Signed: Lloyd C. Griscom.

To His Excellency  
the Viscount Tanaka,  
His Imperial Japanese Majesty's  
Minister to the Household.

UNITED STATES LEGATION,  
TOKIO.

*File*  
DIPLOMATIC

AUG 29 1905

BUREAU.

No. 294.

August 2, 1905.



MR. GRISCOM TO THE SECRETARY OF STATE.



SUBJECT: Mr. M. S. Friede's claim for property in Manchuria  
presented to the Japanese government---Acknowledg-  
ing the Department's instruction No. 133.

UNITED STATES LEGATION,  
TOKIO.

No. 294.

August 2, 1905.

To the Honorable  
The Secretary of State,  
Washington.

S i r :

I have the honor to acknowledge the receipt of the Department's instruction No. 133 of June 15, wherewith was enclosed a letter from Mr. M. S. Friede inquiring what steps he should take to recover his property in Manchuria, and to say that I have, as instructed, presented this case to the Japanese Government, together with the several other claims of a similar nature.

I have the honor to be,

Sir,

Your obedient servant,

Lloyd C. Griscom.

*He*

UNITED STATES LEGATION,  
TOKIO.

No.295.

August 3, 1905.



MR. GRISCOM TO THE SECRETARY OF STATE.



SUBJECT: Confirms telegram of July 8,--Sailing of Baron  
Komura, peace plenipotentiary.

UNITED STATES LEGATION,  
TOKIO.

No. 295.

August 3, 1905.

To the Honorable  
The Secretary of State,  
Washington.

S i r :

I have the honor to confirm my  
telegram of July 8, as follows:

"Secstate, Washington.

"Eighth. Baron Komura,

"peace plenipotentiary, sailed today

"steamer Minnesota.

"Griscom."

I have the honor to be,

Sir,

Your obedient servant,

*L. J. Schickel*

Me  
UNITED STATES LEGATION,  
TOKIO.

No.296.

August 3, 1905.



MR. GRISCOM TO THE SECRETARY OF STATE.

SUBJECT: Confirms telegram of July 8,--Japanese occupation of  
Saghalien.



UNITED STATES LEGATION,  
TOKIO.

No. 296.

August 3, 1905.

To the Honorable  
The Secretary of State,  
Washington.

S i r :

I have the honor to confirm my  
telegram of July 8, as follows:

"Secstate, Washington.

"July 8, 5 P.M. Saghalien  
"has been occupied by Japanese mil-  
"itary expedition.

"Griscom."

I have the honor to be,

Sir,

Your obedient servant,

*L. M. Schieffelin.*

UNITED STATES  
TOKIO

DIPLOMATIC  
LEGATION,  
SEP 14 1905  
BUREAU.

August 7, 1905.

No. 297.



Mr. Griscom to the Secretary of State.

*See despatch No. 155, 2 Aug. 15,  
1905 from Russia, report  
my Yankaliwitz's whereabouts.  
Tokio. Sept. 14 C  
J. 2. C.  
9/14  
J. 2. C.*

SUBJECT:-Minnay Vasiliwitz Yankaliwitz.

Reply to Instruction No. 124, of May 13, 1905.  
Inquiry as to his whereabouts or fate shows that,  
when last heard from, he had gone to accompany  
Headquarters of General Kuropotkin in Manchuria.



UNITED STATES LEGATION,  
TOKIO.

No. 297.

August 7, 1905.

To the Honorable

The Secretary of State,

Washington.

Sir:-

In accordance with the Department's Instruction No. 124, of May 13, 1905, I immediately addressed an inquiry to the Japanese Foreign Office as to the whereabouts or fate of one Minnay Vasiliwitz Yankaliwitz, who was serving with the Russian Army at Port Arthur, and I have now the honor to transmit herewith a copy of a translation of the reply of the Minister for Foreign Affairs, dated August 5, 1905, from which it appears that, according to foreigners now at Port Arthur, one Jancobeck Washiliewich Minin (spelling uncertain), a newspaper correspondent, and whose brother was an employé of the Russo-Chinese Bank, left that place at the beginning of the war with a view to accompany the headquarters of General Kuropotkin and has not been heard from since then.

I have the honor to be,

Sir,

Your obedient servant,

*L. J. Griscom.*

ENCLOSURE:-Count Katsura to Mr. Griscom, August 5, 1905-Copy.

Enclosure with Mr. Griscom's No. 277, of August 7, 1905.

C O P Y .

Translation

No. 45

Department of Foreign Affairs,  
Tokio, August 5, 1905.

His Excellency

Lloyd C. Griscom

Envoy Extraordinary and

Minister Plenipotentiary

of the United States of America.

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's note No. 150 of the 14th June last making an inquiry as to the whereabouts or fate of one Minnay Vastiwitz Yankaliwitz who was said to have been serving with the Russian Army at Port Arthur some time ago.

In reply I beg to state that having at once referred the matter to the Minister of War I am now in receipt of his reply to the effect that he had immediately caused inquiries to be made at Port Arthur through proper authorities about the person referred to and that he has just received an information therefrom that according to the words of the foreigners who are remaining at Port Arthur there lived at the place an individual named Janco-beck Washiliewich Minin (spelling uncertain) who was acting as a correspondent of the Novikrai and whose brother was an employee of the Russo-Chinese Bank, that the correspondent himself has gone to the north at the beginning of the war with a view to accompany the Head-quarters of General Kurepatkin, and that nothing is known or heard

of

of him since.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

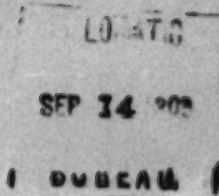
Signed: Count Katsura Taro,  
Minister for Foreign Affairs.

RD

UNITED STATES LEGATION,  
TOKIO.

No. 298.

August 9, 1905.



*Done  
Sept. 14  
J. H. P.*

Mr. Griscom to the Secretary of State.

SUBJECT:-Transmits Annual Furniture Schedule and Inventory  
of Government Property at the Legation on June 30,  
1905.



No. 298.

August 9, 1905.

The Secretary of State,

Sir:-

I have the honor to be,

Sir,

Your obedient servant,

Lycopodium's care.

ENCLOSURE:-Furniture Schedule and Inventory as above.

(Enclosure with Mr. Griscom's No. 278 of August 9, 1908.)

ANNUAL FURNITURE SCHEDULE AND INVENTORY OF PROPERTY OF THE  
GOVERNMENT OF THE UNITED STATES AT THE LEGATION AT TOKIO,  
JAPAN, JUNE 30, 1908.

BOOKS.	Volumes.
Vattel, Law of Nations-----	1
Harten, Summary of the Law of Nations--- ..	1
Puffendorf, Law of Nature and Nations-----	1
Savigny, Private International Law-----	1
Story, Conflict of Laws-----	1
Gardner, International Law-----	1
Grotius, War and Peace, Whewell-----	3
Polsen, Law of Nations-----	1
Westlake, Private International Law-----	1
Woolsey, International Law----- ..	1
Wharton, International Law Digest with Appendix-----	3
Another edition of the same-----	3
Phillimore, International Law--- ..	4
Moore on Extradition-----	2
Hall, International Law-----	1
Snow, International Law-----	1
Instructions to Diplomatic Officers----- ..	1
Story on the Constitution-----	2
Russell on the Constitution----- ..	1
Baldwin on the Constitution-----	1
Sergeant on Constitutional Law-----	1
Towle on the Constitution-----	1
Paschal, Annotated Constitution-----	1
Treaty-Making Power of the United States-----	2
Benedict, Admiralty Jurisdiction-----	1
Conklin, Admiralty Jurisdiction-----	2
Curtis' Admiralty Digest-----	1
Parsons on Shipping and Admiralty-----	2
Tudor, Leading Cases----- ..	2
Abbot, Admiralty Reports-----	1
English Admiralty Reports-----	9
Kent's Commentaries-----	4
Blackstone's Commentaries-----	2
Stephen's Commentaries--- ..	4
Greenleaf on Evidence-----	3
Parsons on Contracts-----	3
Brightly's Digest-Statutes-----	2
Brightly's Federal Digest-----	2
Cooley on Constitutional Limitations-----	1
Sumner's C. C. Reports-----	3
Bond's C. C. Reports-----	2
Bateman's Commercial Law-----	1
Hilliard on Torts-----	2
Hilliard on Remedies for Torts-----	1
Holsmib's Leading Cases-----	1
Morse on Arbitration and Award-----	1
Parsons on Partnership-----	1
Story on Bailments-----	1
Story on Agency-----	1
Edwards on Bills----- ..	1
Bowyer's Law Dictionary-----	2
Story's C. C. Reports-----	3
Clifford's C. C. Reports----- ..	2
Woodbury and Nisbet's Reports-----	3
Curtis' C. C. Reports-----	2
Paine's Reports-----	2

Blatchford's Reports-----	9
Hare and Warren's American Leading Cases-----	2
Daniell, Chancery Pleading and Practice-----	3
Bennett's Leading Criminal Cases-----	2
Opinions of the Attorney General-----	13
Wallace's U. S. Supreme Court Reports-----	23
Curtis' Decisions, U.S. Supreme Court-----	22
Black's Reports-----	2
Howard's Reports-----	7
Statutes at Large with Index-----	39
Smith's Leading Cases-----	3
Revised Statutes of the United States-----	2
Supplement to same-----	1
Charters and Constitutions of the United States-----	2
Treaties and Conventions of the United States-----	2
Consular Regulations-----	8
Hickey's Constitution of the United States-----	1
Consular Jurisdiction-Secretary of State-----	1
Buryer's Reports-9th District-----	13
Supreme Court Reports-Vols. 91 to 176-----	86
Seidmore's Digest of Leading Cases-----	1
Regulations of Consular Courts-----	8
Laws and Ordinances of Japan-----	224
Protocols of Conference on Treaty Revision-----	1
Lonheim's Commercial Code of Japan-----	2
• Law of Registration-----	1
• Civil Code of Japan-----	1
• Condition of Foreigners under Treaties-----	1
• Digest-----	1
Gubbins' Civil Code of Japan-----	2
Citizenship of the United States-Van Dyne-----	1
Terry's Common Law-----	1
Anthony's Law Student-----	1
Dunlap's Book of Forms-----	1
Hubbell's Legal Directory-----	1
Treaties in Force-1899-----	1
Foreign Relations and Diplomatic Correspondence from 1863	
Commercial Relations of the United States-----	
Dictionaries-Webster-----	1
• Worcester-----	1
• Brinkley's Japanese-English-----	2
• Johnson's English, Chinese, Japanese-----	2
• Japanese Radical-----	1
• Spier's and Suranne's French-English-----	1
• Grove's English-Greek-----	1
• Latin-English-----	1
• German-English-----	1
Madison's Papers-----	3
Washington's Writings-----	12
Jefferson's Writings-----	9
Hamilton's History of the Republic-----	7
John Adams' Works-----	10
Webster's Speeches-----	3
The Federalist-----	2
Burke's Works-----	12
Adam Smith's Works-----	1
De Toqueville's American Institutions))))))))))	1
Benton's Thirty Years and Abridgment-----	2
Draper's Civil Policy in America-----	1
Draper's American Civil War-----	3
Draper's Intellectual Development of Europe-----	1
Greenley's American Conflict-----	2
Hill's Political Economy-----	2
Annual Cyclopaedia-1861-1871-----	11
New American Cyclopaedia-----	16
Macaulay's Works-----	12

Hallam's England and Middle Ages-----	6
Bancroft's United States-----	9
Hume, Smollet, and Hughes' England-----	17
Frederick's England-----	6
Hildreth's United States-----	6
Palgrave's New England-----	3
Millman's Christianity-----	3
Rasselas's Great Empires-----	3
Allison's Europe-----	34
Buckle's Civilization-----	3
Prescott's Works-----	15
Gibbon's Decline and Fall of Roman Empire-----	9
Guizot's History of Civilization-----	2
Grote's Greece-----	12
Mayhew's Modern History and French Revolution-----	9
Drake's American Biographical Dictionary-----	1
Appleton's Cyclopaedia of Biography-----	1
Colton's Lenses-----	1
Scott's Works-----	52
The Spectator-----	6
Dickens's Works-----	26
Lamb's Works-----	4
Carlyle's Works-----	24
De Quincey's Works-----	16
Cooper's Works-----	32
Bryant's Poems-----	1
Duyekinch's Cyclopaedia-----	2
History of the World-----	4
Motley's Works-----	4
Hilton's Works-----	11
Shakespeare's Works-----	4
Byron's Works-----	17
Moore's Works-----	1
Burns's Works-----	2
Whittier's Poems-----	2
Perceval's Poems-----	2
Hawthorne's Works-----	17
Lowell's Poems-----	2
Holmes' Poems-----	1
Parham's Works-----	6
Dixon's Japan-----	1
Black's Young Japan-----	1
Brand and Cox's Dictionary of Science, etc-----	1
Pictorial Bible-----	4
Census of the United States-1900-----	2
Curzon's Problems of the Far East-----	1
Murray's Hand Book Of Japan-----	1
The Times Atlas-----	1
Perry's Japan Expedition-----	5
Western Union Telegraph Code-----	1
Davidson's Island of Formosa-----	1
Harold Japan-----	1
Sundry Public Document and Pamphlets-----	1
Wharton's International Law-----	1
Crabb's Synonyms-----	1
Rept's Thesaurus-----	2
Seldene's Consular Courts in Japan-----	1
Crundall's Treaties, their Making and Enforcement-----	1
Taylor's International Law-----	1
Rockhill's Treaties with China-----	1

ARCHIVES.

Mr. Harris.	Volumes.
Despatches from the Department of State-----	1
to "-----	1
Notes from the Japanese Government-----	5
The same (with Mr. Pruyn)-----	1
Notes to the Japanese Government and Misc-----	2
from "-----	2
The same (with Mr. Pruyn)-----	1

Mr. Pruyn.	
Despatches from the Department of State-----	3
to "-----	
(with Mr. Van Valkenburgh)-----	1
Notes from the Japanese Government-----	5
to "----- and Misc-----	1
Miscellaneous-----	5
The same with Mr. Harris-----	1
Miscellaneous papers-----	1

Mr. Van Valkenburgh.	
Despatches from the Department of State-----	3
to "-----	1
Notes from the Japanese Government-----	5
Notes to ditto and Misc-----	1
Notes from the Japanese Government and Misc-----	5
Miscellaneous papers-----	3

Mr. De Long.	
Despatches from the Department of State-----	3
to "-----	1
Notes from the Japanese Government-----	12
Miscellaneous-----	13
Miscellaneous Papers-----	3
Special Claims-----	3

Mr. Bingham.	
Despatches from the Department of State-----	16
to "-----	5
Notes from the Japanese Government-----	19
to "-----	3
From Miscellaneous-----	27
To "-----	4

Mr. Hubbard.

Despatches from the Department of State-----	8
"    to ditto (with Mr. Bingham's No. 6)-----	1
"    to ditto (2 and 3)-----	2
Notes from the Japanese Government-----	8
The same with Mr. Bingham's No. 3-----	1
Notes to the Japanese Government (marked 2)-----	1
From Miscellaneous-----	8
Ditto with Mr. Bingham's No. 4-----	1
Ditto (marked 2)-----	1
The Kerman Case-----	1

Mr. Swift.

Despatches from the Department of State-----	3
"    to " "-----	1
Notes from the Japanese Government-----	3
To the Japanese Government with Mr. Hubbard-----	1
From Miscellaneous-----	3
To Miscellaneous with Mr. Hubbard-----	1

Messrs. Swift and Dun.

From the Department of State-----	1
From the Japanese Government-----	1
From Miscellaneous-----	1

Mr. Dun.

From the Department of State-----	2
From the Japanese Government-----	2
From Miscellaneous-----	2

Mr. Coombs.

From the Department of State-----	2
To ditto with Mr. Swift-----	1
From the Japanese Government-----	2
To ditto with Mr. Swift-----	1
From Miscellaneous-----	2
To ditto-----	1

Mr. Dun.

From the Department of State-----	8
To ditto-----	1
To ditto with Messrs. Swift and Coombs-----	1
To Miscellaneous-----	1
From the Japanese Government-----	8
To ditto with Mr. Coombs-----	1
The Peace Negotiations between China and Japan-----	1
The Bush Case-----	1
To Miscellaneous with Mr. Coombs-----	1
From Miscellaneous-----	8

**Mr. Buck.**

From the Department of State-----10  
 Ditto (with Mr. Ferguson)-----1  
 To the Department of State (with Mr. Dun)-----1  
 Ditto (with Mr. Ferguson)-----1  
 Notes from the Japanese Government-----6  
 Ditto (with Mr. Ferguson)-----1  
 Notes to Japanese Government (with Mr. Dun)-----1  
 Ditto (with Mr. Ferguson)-----1  
 From Miscellaneous-----10  
 Ditto (with Mr. Ferguson)-----1  
 To Miscellaneous (with Mr. Dun)-----1  
 Ditto (with Mr. Ferguson)-----1

**Messrs. Wilson and Ferguson.**

From Department of State-----1  
 From Japanese Government-----1  
 Miscellaneous-----1

**Mr. Grison.**

From Department of State-----1  
 From Japanese Government-----1  
 Miscellaneous-----1  
 Unbound Correspondence from and to the Department of State,  
 the Japanese Government, and Miscellaneous.

**Miscellaneous Records.**

Passport Record Books, 1 Record Book, 1 Copy No. 28 of Cipher  
 Code of the Department of State and Pamphlet No. 25, Holo-  
 clyptic Code and Appendix to Department's Code-1876, Records  
 of Japanese Passports, Leases, Contracts, etc., and 24 bound  
 volumes of "Japan Weekly Mail".

**FURNITURE SCHEDULE.**

**OFFICE.**

6 writing desks  
1 typewriter desk  
1 leather covered sofa  
4 revolving chairs  
1 case for records  
3 sets curtains  
2 Remington typewriters  
1 Hammond ditto  
1 copy press  
1 small mirror  
2 stoves  
2 letter scales  
1 office seal for wax  
1 large Legion seal with press attached  
1 paper punch  
1 steel safe  
Miscellaneous instands, statinery and supplies  
1 coat of arms  
1 lot of flags  
Office carpet and rugs  
8 sets book shelves  
Mail pouches, keys, seals etc  
1 round paper table  
1 cabinet for forms  
1 table cover  
1 standing desk  
2 arm chairs  
4 leather covered chairs

**RESIDENCE**

15 dining room chairs, leather, in bad condition.  
2 dinner wagons  
1 extension table  
1 sideboard  
14 sets curtains, - old  
16 white hollands  
2 sets fire irons  
3 coal scuttles  
1 settee, upholstered  
8 easy chairs  
1 oblong consol table  
1 keyaki table  
2 book cases  
2 easy chairs  
2 arm chairs  
4 keyaki chairs, upholstered  
1 hat rack  
5 bed stands, with wire and hair mattresses  
4 toilet tables  
2 writing tables  
6 washstands  
2 davenport  
9 pillows.

Electric light fixtures throughout  
1 grey woolen rug in drawing room  
1 sage green woolen rug, dining room  
1 miscellaneous lot brussels carpets,- old  
Curtains for drawing room, dining room, reception room  
and library, purchased 1903.  
2 stoves

Note:-- Most of the above mentioned furniture has been in use for fifteen years.

I hereby certify that the foregoing is a true inventory and schedule of the furniture and other property of the United States at the American Legation, at Tokio, Japan, on the 30th day of June, 1905.

*L. Guiseau.*  
Minister.

Drawing room carpet  
1 sofa and 10 chairs in brocade  
1 small settee in brocade  
1 writing table  
3 small tables  
1 bench upholstered in silk  
1 book-shelf  
1 arm chair  
1 bedstead

The foregoing articles of furniture, belonging to the United States, are in the Secretary's House, American Legation, Tokio.

*Huntington Wilson,*  
Secretary of Legation.

UNITED STATES LEGATION,  
TOKYO

DIPLOMATIC  
SEP 18 1905  
BUREAU.

No. 299.

August 23, 1905.



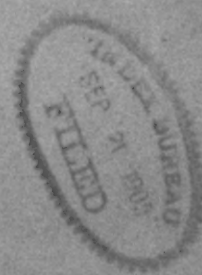
*Inform Major Pilsbury  
Re: manuscript P.P.  
referred.*

*Added and  
To Major Jas. E. A.  
Pilsbury, W.S. A.,  
retired, Co. Sept. 20  
C.*

Mr. Griseom to Mr. Root.

*True  
AS*

Subject:--Association of Military Surgeons of the United  
States.



UNITED STATES LEGATION,  
TOKIO.

No. 299.

August 23, 1905.

To the Honorable Elihu Root,  
Secretary of State,  
Washington.

Sir:

Referring to my dispatch of the 17 ultimo, in which I had the honor to report that the Japanese Navy would be represented at the 14th Annual Meeting of the Association of Military Surgeons of the United States, whilst it would not be possible for the Army to send an officer, I have now the honor to inform you that Surgeon-General S. Suzuki, I. J. N., has been designated to represent Japan at the meeting.

I have the honor to be,

Sir,

Your obedient servant,

*L. H. C. S. S.*

*file*  
UNITED STATES LEGATION  
TOKIO.

DEPT OF STATE  
SEP 18 1905  
2ND ASST SECRETARY

DIPLOMATIC BUREAU.  
To Com. & Lab. for  
publication  
Give to press.  
Ask. *aa*

No. 300.



DIPLOMATIC  
SEP 19 1905  
BUREAU.

August 24, 1905.

*Oked and  
To Comm. Lab. for  
Sept. 20 1905  
C*

Mr. Griscom to Mr. Root.

CHIEF CLERK,  
SEP 16 1905  
Department of State.

*Give to press*

Subject:--Japanese-Korean Navigation Agreement.



UNITED STATES LEGATION,  
TOKIO.

No. 300.

August 24, 1905.

To the Honorable Elihu Root,  
Secretary of State,  
Washington.

Sir:

I have the honor to transmit herewith a translation from the Japanese of the Japanese-Korean Agreement concerning the navigation of the Korean coast and inland waters by Japanese ships.

The rights extended by this Convention will doubtless be of considerable value to the Japanese and to other foreigners who enjoy them through favored nation treatment.

I have the honor to be,

Sir,

Your obedient servant,

*L. J. A. S. S. S.*

ENCLOSURE:-Translation of Agreement between Japan and Korea  
concerning Navigation of Korean Coast and Inland  
Waters.

(Enclosure with Mr. Griscom's No. 300, of August 24, 1905)

AGREEMENT BETWEEN JAPAN AND KOREA CONCERNING THE NAVIGATION  
OF THE KOREAN COAST AND INTERIOR WATERS.

(Translation) -----

The Imperial Governments of Japan and of Korea deeming that the navigation by Japanese vessels of the Korean coast and inland waters will be expedient for promotion of Korean trade and commerce, have appointed respectively Gonsuke Hayashi, Japanese Envoy Extraordinary and Minister Plenipotentiary, and Yi Ha Yong, Korean Minister for Foreign Affairs, who being duly invested with full powers, have entered into the following agreement:-

Article I. Japanese vessels are, subject to the present provisions of the present agreement, allowed to navigate Korean coast and inland waters for trading purposes. This article, however, does not apply to the navigation between the open ports.

Article II. When a Japanese vessel desires to navigate Korean coast and inland waters, the name and residence of the ship-owner, the name, class and capacity of the vessel, and the zone of navigation of the vessel shall be reported to the Korean Customs through a Japanese Consul, and a licence shall be obtained. This licence is available for one year from the date of issue.

Article III. The Japanese vessel shall pay the following scale of fees to the Korean Customs every time she obtains a licence:-

European styled vessel of	
100 tons or less - - - - -	YEN 15.00
Japanese styled vessel - - - - -	YEN 15.00
European styled vessel of	
between 100 and 500 tons - - - - -	YEN 50.00
European styled vessel of	
between 500 and 1,000 tons - - - - -	YEN 100.00
European styled vessel of	
1,000 tons or more - - - - -	YEN 150.00

Article IV. Japanese vessels may freely navigate within their zones of navigation. They are, however, not allowed to call at places outside Korean territory except in case of natural disaster or accident, or unless by special permission of the Korean Customs.

Article V. The Japanese vessel shall always carry her licence during navigation in order that it may be exhibited on demand to

the Korean Customs, local officers or a tong or village headman authorized by the local officers.

Article VI. Japanese ship-owners may lease ground for building warehouses at the mooring places. Also they may construct wharves on the coast by permission of the Korean Customs.

Article VII. If a Japanese vessel violates this agreement, the Korean Customs will investigate the facts and, if the violation be grave in nature, may demand the return of the licence or may refuse to renew it.

Article VIII. If a Japanese vessel or her crew violates this agreement or the provisions of the other treaties and conventions, or if the latter commits a crime, the Japanese Consul shall punish the vessel or her crew according to the treaties and Japanese law.

Article IX. This agreement shall remain in force for fifteen years from the date of signature, and may be renewed by negotiation on the expiration of the period.

In case, however, that the Korean navigation industries are improved in the future, the two Governments may make another agreement by mutual consent even within the said period.

(Signed) G. Hayashi,

Japanese Envoy Extraordinary and  
Minister Plenipotentiary.

(Signed) Yi Ha Yong,

Korean Minister for Foreign Affairs,

August 13th, 1905.

*File*  
*Index*

UNITED STATES LEGATION,  
TOKIO.

August 31, 1905.

*Ans*  
*Sept 19 20*



S i r:

I beg leave to send you herewith a copy of an article which I have written on the subject of the American foreign service.

I trust that you will do me the honor of perusing it, and I venture to hope that the ideas expressed will meet with a measure of your approval.

I have the honor to be,

Sir,

Your obedient servant,

*Huntington Wilson.*

Secretary of Legation.

To the Honorable Elihu Root,  
Secretary of State,  
Washington.

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Dear

Dear Allen

Can you kindly  
read this and give  
me your views as to  
its merit and  
harshness?

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I am sure it is harmless and  
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that "marriages of Americans in foreign  
countries must be witnessed by the Consul."  
This is not so. They may be; and the Consul  
must witness them if required to do so. The  
compulsion is not a the kind and form.  
M. E.

Mr. Taylor

Ans. as belows.

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citing the Regs.

Department of State

BUREAU OF ROLLS AND LIBRARY



Dear Mr. Ades:

This article of Wilson's on  
diplomatic and consular  
service is well written, conservative,  
and unobjectionable, I think. There is  
nothing new in it, nor anything  
not already, in a measure, approved  
by the Department, except perhaps  
the brief suggestion of diplomatic pensions.

I am sure it is harmless and  
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This is not so. They may be; and the Consul  
must witness them if required to do so. The  
compulsion is not on the bride and groom.

*M. E.*

August 31, 1905.

My dear Babcock,

By this same mail I am forwarding an article I have written on "The American Foreign Service" to be published in one of the magazines.

Since the article in no way touches upon foreign politics, and so does not come under the directions of the Diplomatic Regulations (Section 68), there has seemed

E. J. Babcock, Esq.,  
Secretary to the Secretary of State.

to be no reason for asking the  
Department's authorization before  
publishing it.

However, I am sending a copy  
of the article, by this same pouch,  
addressed to the Secretary of State.  
I hope it will meet with his ap-  
proval, and with the approval  
of my friends in the Department.  
You would do me a great favor  
if you could find it convenient  
to bring the article to Mr.  
Root's attention, - if you would  
present the copy I am sending  
from

from being pigeon-holed before he  
sees it.

Please give my kindest regards  
to Sydney Smith and my other  
friends, and believe me always,

Very sincerely yours,  
Huntington Wilson.

## THE AMERICAN FOREIGN SERVICE

by

Huntington Wilson, B. A., Yale,

Secretary of Legation of the United States at Tokio.

There is evident a growing sentiment among Americans in favor of reorganizing and improving the foreign service, diplomatic and consular, and placing it upon a stable basis. Indeed, this feeling has become so general and so strong that but for our extreme conservatism something would have been done in that direction before the present time.

The diplomatic service is the machinery by which the relations of our Government with other governments are carried on. It is the spokesman of our policies in the council of the nations; the channel through which flows peace or war. It is the eyes and ears of our Government in our foreign affairs; and it is the every-day means of attending to our rights and obligations towards other governments and peoples. A hermit nation needs no diplomacy; but once a nation abandons isolation, the efficiency of its diplomacy is a matter of serious concern to every citizen.

The consular service is the machinery for carrying on, improving, and increasing foreign commerce. First, there is an enormous amount of routine business. For all goods imported into the United States invoices must be authenticated at our consulates.

consulates at the ports of export or places of original shipment. Consulates are the custodians of the ships' papers of American ships while at ports within their districts. They discharge sailors, assist destitute or sick seamen, adjust difficulties between ships' captains and their crews, and generally extend the control of the home Government over the merchant marine in foreign ports. Marriages of Americans in foreign countries must be witnessed by the consul. Deceased Americans' estates in foreign lands are, to a degree varying in different countries, under consular protection. Deeds, powers of attorney, protests, affidavits, patent applications, and other instruments executed abroad to be effective in the United States, are attested at the consulates. Such are the ordinary administrative and notarial consular duties. In those countries where extraterritoriality is in force the consular officers exercise a much wider administrative function. There the American Consulate <sup>Court</sup> is the only forum in which an American can be pursued by civil or criminal law.

After giving some idea of the variety and responsibility of the consular function, we come to what is today the all important object of that service. That is, the extension and increase of American business by opening up, widening, and developing fields for our export trade. A consular district generally

ally comprises all that part of the country in which a given consulate is situated which is nearer to it than to any other American consulate. It is the duty of the consul to make a deep and special study of the industrial and mercantile conditions existing in his district. He must know what the country needs or would take in raw materials, in commodities, and in manufactured articles. He should learn how these needs are being supplied, with particular attention to those of them which the American producer,--farmer, miner, manufacturer, or merchant,--might supply. He should investigate and report as to whether the American import could not by a change in form or a variation in manufacture, by a different method of packing, by more convenient accommodation in payment, or in any other way be brought into greater demand, and American trade be thus increased.

Each consular district may reveal a peculiar phase of the general import possibilities of a country. Hence, general reports are made by an official who looks over the field as a whole. These reports are made at consulates-general, and sometimes also at <sup>embassies and</sup> legations. Of course the capital of a country affords the best facilities for obtaining from official sources information bearing on trade. Also, in some countries Government contracts are an important item in the competition for import orders. Therefore it may be wise for us, as some European governments

governments have done, to appoint commercial attachés to some of our embassies and legations.

Our consular service, then, exists to facilitate and promote the material and personal interests of the American people in foreign countries. Our diplomatic service adds a care for these same interests to its duty to protect and further America's political interests in the world.

The Department of State is charged with the duty of making the diplomatic and consular services of the greatest possible use to the Government and people. It is not generally realized how large a number of officers the State Department has under it in the service abroad, nor how vast and varied is the volume of its business. It has a personnel smaller and more poorly paid than that of the Foreign Office of Great Britain; but besides being the American Foreign Office it has a number of other duties superadded. The Secretary of State is keeper of the seal of the United States. He publishes the federal laws of the land. Contentious matters between foreigners and the State sovereignties of the Union at times give rise to questions between those governments and the governments of foreign countries. All these have to be settled by elaborate domestic correspondence between the State Department and the Governors of our States, other departments, and various officials. So that functions  
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corresponding in other countries to such offices as Keeper of the Seal, Chancellor of the Empire, et cetera, devolve upon the one Department. What with our new colonial possessions, it seems likely that the scope of the State Department's work may before long be still further extended. Yet the Department of State has a very small personnel and very small appropriations. The wonder is how its handful of officials acquit themselves so well in grappling with so enormous a volume of business? Certainly high praise is due them.

The fact is that all three components of the foreign service, that is, the Department of State and the diplomatic and consular services under it, were founded long ago on a small scale, just after our emergence from colonial days. They can never catch up with the country's present needs unless the will of the people express itself through Congress in the form of the required legislation, and Congress take a deeper ~~XXXX~~ interest in the work of the foreign service.

This brings me to one of the most distressing difficulties of our system. I refer to the lack of any constituted channel of communication for keeping Congress and the foreign service in sympathetic touch and effective cooperation. In other countries this undoubted need is supplied by a parliamentary secretary; or the Minister for Foreign Affairs speaks on the floor  
of

of the House. With us, there are the President's occasional messages. Congress sometimes calls for correspondence when some question has become acute. Or, suppose a senator or a representative or an official of the State Department to be greatly interested in a piece of legislation touching foreign affairs, or in a treaty to be negotiated: he may by personal effort have a number of conversations which will greatly help both the Senate or Congress and the Department. But there is no sufficiently continuous keeping in touch between the Senate, the House, their committees, and the State Department; and the matter is too important not to be thoroughly provided for. Why should not an assistant secretary of state be charged with this duty?

Because of the heterogeneity of its business and the numerical inadequacy of its personnel, the State Department has been irreverently compared to the former Chinese Tsungli Yamen. Our diplomatic and consular services have been with less irreverence and more truth called the "catch-as-catch-can system". There is enough truth in this pessimism to suggest that there is much room for improvement, and that the time is ripe and the way open for framing and putting into operation an ideal foreign service.

The Department needs a larger personnel to do its great intellectual

intellectual work, and a more logical division of work. At present, in the Diplomatic Bureau the countries of the earth are apportioned for working purposes alphabetically. Yet it cannot be said that a knowledge of Cuba and Costa Rica is particularly useful to the men who must study the intricacies of Chinese policy. The Diplomatic Bureau should be divided into sections on some politico-geographical basis of reason. Several new bureaus and sections should be added. And, as said before, some official should be charged with keeping the Department in touch with the whole Congress on legislation respecting foreign affairs, and with the Senate on treaty matters.

The reform of first necessity is the extinction of the "spoils system" in filling offices in the foreign service. Here civil service is absolutely indispensable; but the application of it requires very careful working out.

Inefficiency in the foreign service may be divided, according to cause, into two classes. The first is inefficiency due to lack of natural qualifications, to inadequate professional education, and to want of experience. These are the vices of our unsystematized service. The zeal of a man trying to do a difficult thing quite new to him is sometimes its saving grace. The second is inefficiency arising from apathy and indifference. This is the vice of a thorough-going, closed civil service.

Our

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Our

Our problem is how to get the natural qualifications, the special education, and the experience, and at the same time to inspire zeal in the service.

Examinations will insure the special knowledge, a permanent service will supply the experience, promotion for meritorious work will secure the zeal. How are we to obtain the best men? Every college man knows that the men who pass the highest examinations are by no means always the ablest men in the class. Especially in diplomacy, a number of very intangible qualities are wanted. Tact, address, quick perception, an analytical mind, balance, and self-control are some of the natural qualities a good diplomatist has. These should therefore be sought in the young candidates for the service, and obviously they cannot be detected by a written examination.

A famous Russian Minister for Foreign Affairs emphasized the indubitable importance of this personal element. It was his custom to have all the candidates who had successfully passed the diplomatic service examination call upon him next day. He then selected from among them the candidates to put into the service; and he is recorded as saying that his decision was based rather upon the impression each candidate personally made on him during the call than upon the relative merits of their examination papers.

Why

Why should not the Secretary of State, perhaps assisted by a small board, select from among the successful candidates those to be put into the service after the examinations each year,-- the choice to be made after an informal and verbal examination of the men who had successfully passed the main written one?

Now that the days of the telegraph have made the envoy rather his Government's spokesman and advocate than its plenipotentiary statesman, some people too greatly minimize his duties. Surely it behoves us, as a practical people, to have for our Government the best possible spokesmen and advocates. In private life his personal abilities leave one advocate in the law to starve, while another's bring him a huge income. Success or failure in the Government's foreign affairs depends enormously,-- much more than people realize,--upon the skill or the bungling of the Government's advocates abroad. And these are its diplomatic representatives.

For efficiency in a consular officer the personal factor presents somewhat less difficulties, yet it is questionable whether an examination should be the sole criterion for the admission of men eligible to all grades. Although the two services have a number of things in common and what is true of <sup>the</sup> ~~the~~ <sub>A</sub> is often to some extent true of the other, what next follows applies particularly to the diplomatic branch.

A charge which may be brought against an organized foreign service in which men spend their lives, except for occasional leaves of absence, in going from post to post in foreign countries, is that they sometimes lose touch with the ideas of their own country. They are too long away from home. There is, however, a ready means of removing this danger.

The successful candidates for the service should first pass a year or more as clerks in the State Department, learning, from the big end, the practical work of their profession. These young men would be distributed in the ~~the~~ bureaus and sections where the work would teach them most about their future duties,--whether consular or diplomatic,--and would be required to familiarize themselves with the general work of the Department.

Next these clerks would be sent abroad to serve as attachés at embassies or legations or as clerks in consulates, this depending upon which service they had been examined for and entered. Later, they would be transferred from one post to another and, if they did good work, gradually promoted. In their respective services they would become third secretaries of embassy or legation, second secretaries, secretaries, and so on; and in the consular service, higher grades of clerks, consular agents, vice and deputy consuls, consuls, *consuls-general*.

In connection with the regular diplomatic and consular service

vice examinations, there should be examinations for positions as student interpreters. A few years ago student interpreters were attached to our legation at Peking, and that was an admirable innovation. It should be extended, however, at least to our legation in Japan, and perhaps also to that in Turkey. The written language is practically the same in China, Japan, and Korea. These student interpreters, after an apprenticeship in the State Department, would be sent out and attached to the legations in the Far East. There they would spend several years in mastering the difficulties of the oriental languages. After that they would be prepared to join the staffs of the consulates in China, Japan, and Korea as clerks, and so enter on a career in the oriental consular service. The interpreters of our legations and their assistants would also be drawn from this body.

Now we come to the above-mentioned safeguard against a tendency to what may be loosely called expatriation. The plan which follows is most of all desirable because of the great benefits it carries with it.

It is difficult to gainsay that a man can do better work in the service abroad if he has <sup>first</sup> served in the Department at Washington. It also seems evident that it would be useful to have in the Department men who had made recent special studies of the political and trade conditions in various foreign countries

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tries. The suggestion, then, is that a mobility and interchange of posts be established, to a certain extent, between the Department of State and the diplomatic service and perhaps also, in certain bureaus and sections, between the Department and the consular service. A parity of grade could be fixed between the posts in the Department and the posts abroad. For example, the different grades of clerks, the chiefs of section, the chiefs of bureau, and the assistant secretaries might correspond to attaches, to grades of secretaries of embassy or legation, to ministers resident, and to ministers plenipotentiary. A limited shifting between the two ends of the service could be ordered from time to time by the Secretary of State. Among other things, this system would give to the heads of the service a more intimate knowledge of the abilities of their personnel; and it is safe to say that in the long run it would be of great use to the Department and benefit to the diplomatic service.

Fairly frequent shifting between posts abroad is also desirable, and transfers should as far as possible invariably accompany promotions. For considerations which, if somewhat abstruse, are none the less cogent, it is best that a secretary should be transferred when promoted rather than be promoted to be minister at the same post. The two official characters of minister and secretary, and the subtle relations attaching to them

them, are different. Each position occupies a certain place in the mind of the local official circle; and these associations are not to be suddenly thrown off or assumed. An important reason why three or four years is generally long enough to leave a man at the same post is that he almost inevitably becomes somewhat "stale". His observation becomes less keen. Also, at difficult posts an energetic representative is not unlikely to wear out his welcome and so lose much of his usefulness. Furthermore, frequent transfer gives wider experience and so increases efficiency. With this system each official would be commissioned by the President in a particular grade, and the Secretary of State would designate, from time to time, the post he should fill. From every point of view, a more mobile diplomatic service, including limited interchange to the State Department, has much to recommend it.

A closed service, in which a man has only to live in order to be steadily promoted and finally retired with a pension, tends to induce apathy. What we want is a service in which every man who gives his best years and energies to the work will be sure of a life career, and at the end of his career, a pension. Only those who do signally fine work should expect to be rewarded with ultimate promotion to the highest grades. in this way justice is meted to faithful service and a reward is in store

store for brilliant service.

The best pension system would probably be to make retirement optional after, say, twenty-five years' service, with a pension computed on the salary of the grade from which the officer retired. The pension could be increased proportionally to the excess of the period of service rendered over twenty-five years. In private life it is deemed a hard lot when a man who has given the best twenty-five or thirty years of his life to a business or profession cannot have accumulated enough to support him during his declining years. And if the foreign service is to have the good men it needs their livelihood must not be made too precarious.

Nor would it be necessary to have an absolutely closed service. There is every reason why, with an organized service, the President should still have the power to appoint an ambassador or minister from outside the diplomatic service. The pre-eminent talents and conspicuous fitness of some countryman of ours, or the special nature of some mission to be carried out, may at times point unmistakably to such a selection.

Our ambassadors and ministers receive relatively small pay and no allowances worth mentioning, and are not provided with houses. Their colleagues representing other powers receive generally better pay, besides funds for the costly and necessary outlays

outlays for "representation", and permanent buildings owned by their governments in which to reside during their missions. Every truly democratic American should be shocked to realize that, because of our penury in this matter, only very rich men can possibly uphold the dignity of the United States at certain capitals. The very undemocratic result is that men of moderate fortune, however talented, cannot be appointed to, nor could they afford to accept those posts.

American travelers are constantly chagrined to find their legations and consulates abroad housed in a haphazard manner comparing very unfavorably with those of other countries. Our Government owns legation buildings only at Tokio, Peking, Seoul, and Bangkok. The ownership of these was practically forced upon us by the peculiar conditions existing in those countries. Similarly, we possess a few rather inferior consular premises. Let us see what other countries do,--countries which place importance on foreign policy and its corollary, foreign commerce, as, for example, Germany and Great Britain. In every capital, in every port or commercial centre, they aim to have the eye met by an embassy, or legation or a consulate,--substantial, permanent, and architecturally good,--which stands in a foreign land as a reminder of the dignity, the strength, and the enterprise of the country whose flag flies over it. And then one finds  
(1f

(if, indeed, one can succeed in finding them) the American Embassy or Legation shabby or creditable according to the purse and generosity of the representative, and the Consulate sometimes a dusty second floor in some back street. Is this what the American people want?

I have outlined a number of points for a reorganization which I believe would be entirely practical and feasible and would vastly ameliorate the services. There are many minor reforms which can hardly be taken up with any enthusiasm while the service is left in its present ~~unsatisfactory~~ <sup>unsettled</sup> condition.

A number of senators and representatives have done hard work and have introduced bills which it was hoped would place the service on a sound footing. But the ideal foreign service for which the way is now open needs for its accomplishment the support of an active, not passive, public opinion; and it needs the cooperation of the senators and representatives interested with the President and the Secretary of State, and with some of those who have studied the service from within. The foreign services of all countries must be studied and examined. What is good must be adopted or what is better must be devised. Then will a bill be framed and passed which will give us the efficient foreign service a great commercial world power like the United States has the right and the obligation to possess.